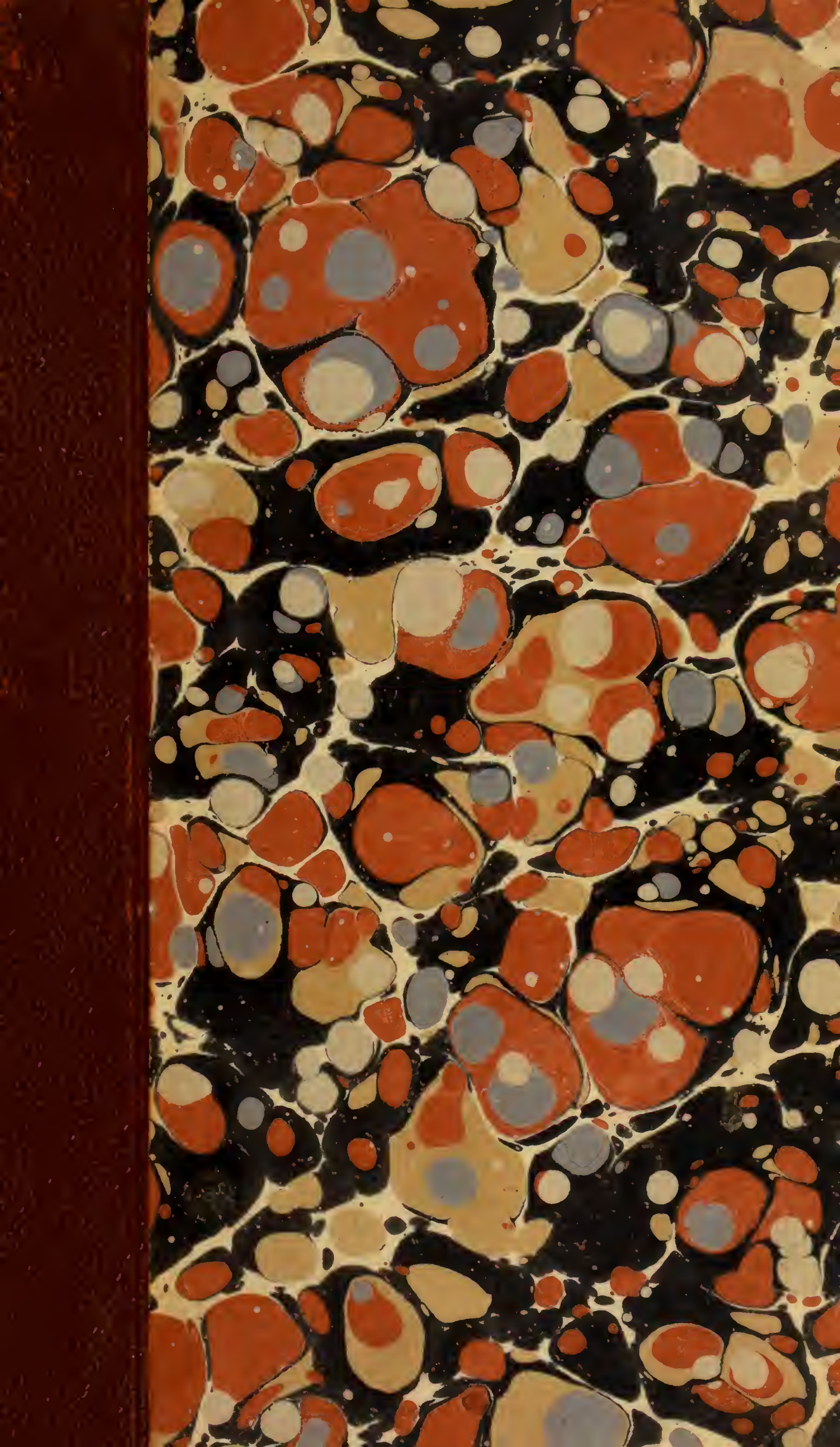


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THE

WORKS,

LITERARY, MORAL,

AND

MEDICAL,

OF

THOMAS PERCIVAL, M.D.

F.R.S. AND A.S.—F.R.S. AND R.M.S. EDIN.

LATE PRES. OF THE LIT. AND PHIL. SOC. AT MANCHESTER; MEMBER OF THE ROYAL SOCIETIES OF PARIS AND OF LYONS, OF THE MEDICAL SOCIETIES OF LONDON, AND OF AIX EN PROVENCE, OF THE AMERIC. ACAD. OF ARTS, &c. AND OF THE AMERIC. PHIL. SOC. AT PHILADELPHIA.

TO WHICH ARE PREFIXED,

MEMOIRS of his LIFE and WRITINGS,

AND A SELECTION FROM HIS

LITERARY CORRESPONDENCE.

A NEW EDITION.

VOL. II.

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TO THE RIGHT REVEREND

RICHARD WATSON, D. D. F. R. S.

LORD BISHOP OF LANDAFF,

&c. &c. &c.

MY LORD,

PERMIT me again to offer this volume of Moral and Literary Diſſertations to your Lordſhip's acceptance and patronage. The work has been much enlarged; and I ſhall think myſelf happy if it continue to be honoured with your indulgence and approbation. I feel a lively ſenſe of the value of your friendſhip; and venerate thoſe diſtinguiſhed talents and virtues which you have ſo uniformly and aſſiduouſly exerted in the promotion of ſcience, religion, and liberty. With every affectionate wiſh for

your Lordſhip's health, felicity, and the ſtill further extenſion of your uſefulneſs, and with the moſt cordial reſpect and attachment,

I have the honour to be,

My LORD,

Your Lordſhip's much obliged,

And moſt faithful humble ſervant,

THOMAS PERCIVAL.

THE PREFACE.

IN offering to the public a miſcellaneous work like the following, it may be proper to give a brief account of the different parts of which it is compoſed. The SOCRATIC DISCOURSE was written ſeveral years ago, for the uſe of the author's own family; and a few printed copies of it were diſtributed amongſt his friends. The approbation with which it has been honoured by ſome of the moſt judicious of them, has abated his diffidence concerning it; and the deſire of rendering his private labours of utility to mankind has induced him to commit it again to the preſs. It forms the firſt part of a plan which he has long had in contemplation, of teaching his elder children the moſt important barnches of ethics, viz. VERACITY, FAITHFULNESS, JUSTICE, and BENEVOLENCE, in a *ſyſtematic* and *experimental* manner, by EXAMPLES. But various cauſes have hitherto prevented, and will probably continue to prevent, the completion of his deſign. He cordially wiſhes, therefore, that ſome moraliſt of more leiſure and ſuperior abilities, into

whoſe hands this little piece may fall, would execute in its full extent what is here ſo partially and imperfectly attempted.

To promote the love of truth, and to excite an averſion to duplicity and falſehood, are objects which merit the moſt ſerious attention in the buſineſs of education: and as the minds of children at an early age are incapable of diſcerning the diſtinctions and ſubordinations of moral duty, the rules preſcribed to them ſhould be abſolute and without exception. But in the more advanced period of youth, obſervation and reading will neceſſarily point out many deviations from theſe rules, not only in the converſation and conduct of their friends, but in the moſt applauded actions which hiſtory records: and when ſuch reflections ſuggeſt themſelves, it is a proof that the powers of the underſtanding are unfolded; and that it will be ſeaſonable to graft rational knowledge on the love of virtue. For to obviate error is the firſt ſtep towards rectitude; and the abuſe of reaſon in our moral judgments too frequently terminates in depravity of principle.

The author has in general given his authorities for the facts which he has related, that hiſtoric truth may be diſtinguiſhed from the fictions, introduced for the ſake of illuſtration: but in the ſtory of the King of Navarre, afterwards Henry IV. of France, they have been unavoidably intermingled. On this point M. Boulard, an advocate of conſiderable rank at Paris, who has tranſlated the preſent work into very elegant

French, thus expreſſes himſelf: *On a vu qu'il dit dans ſa préface qu'il a ajouté quelques faits de ſon invention, à ce qu'il a raconté de Henri IV. Je penſe qu'il auroit été plus convenable de ne pas mêler des fictions à l'hiſtoire.* But the author does not recollect any hiſtorical fact, which fully exemplifies the caſe in queſtion: and the reference to Sully's Memoirs will ſhew the preciſe boundary between truth and fiction.

It is well known to the learned, that Socrates gave riſe to a new mode of inſtruction in the ſchools of philoſophy; and that Plato and Xenophon, by recording the moral converſations of their amiable maſter, excited a taſte for dialogue, which has prevailed through all ſucceeding ages. The mode of exemplification purſued in the preſent work has neceſſarily occaſioned ſome deviation from each of theſe great originals; who are indeed themſelves ſo different as to agree only in one common outline. But the author has copied both in many particulars, eſpecially in the adoption of real characters for the *dramatis perſonæ*, or ſpeakers in his diſcourſe. How far he has done juſtice to the talents or opinions of Philocles, it is not for him to determine. But if the ſentiments imputed to his late honoured friend be ſuch as he would not have avowed, let it be remembered, that Plato alſo wrote what Socrates diſclaimed;*

* The Lysis. When Socrates heard this dialogue of Plato read, in which he ſupported the principal character, "Gods!" he exclaimed, "how this young man makes me ſay what I never "thought!"

and that the author alone is anſwerable for whatever he has delivered.

The Essays on the Influence of Habit and Association; on Inconsistency of Expectation in Literary Pursuits; on the Advantages of a Taste for the general Beauties of Nature and of Art; on the Alliance of Natural History and Philosophy with Poetry; and on the Intellectual and Moral Conduct of Experimental Pursuits; have been read before the Literary and Philosophical Society of Mancheſter, and honoured with a place in their journals. But in theſe ſeveral compoſitions the diſcerning reader will perceive evident traits of paternal inſtruction: and that both in the choice of the ſubjects, and in the method of diſcuſſing them, he has had in view the intereſts of thoſe in whoſe improvement he is moſt nearly and tenderly concerned. They will therefore, he truſts, be deemed no improper ſequel to the Socratic Discourse.

The compoſition of a Tribute to the Memory of Charles de Polier, Esq; devolved upon him as the friend of the deceaſed, and officially as president of the very reſpectable ſociety which appointed this record of his merit. It was written under the impreſſion of heart-felt ſorrow, and on that account may perhaps be ſuſpected of exhibiting a picture too ſtrong in its lineaments, and too glowing in its colours. But time, which calms every emotion, and reſtores the due authority of judgment over imagi-

nation, has made no change in the author's ſentiments concerning the character he has drawn; and the inſertion of it in this work, whilſt it gratifies the feelings of his mind, is perfectly conſonant to the general deſign which he has in view: for it offers a moſt inſtructive model to young men, who are animated with the laudable ambition of uniting liberal and polite manners with the more ſolid attainments of learning and virtue.

The APPENDIX contains ſuch remarks and illuſtrations, as further reflection or reading have ſuggeſted ſince theſe Diſſertations were written. The author is fully apprized of the peculiar delicacy and difficulty of the moral topics which he has attempted to inveſtigate; and truſts, that he ſhall always be diſpoſed to acknowledge and to rectify any errors into which he may have fallen. For he deems a return to truth and reaſon more honourable than the poſſeſſion even of infallible judgment; and ſincerely adopts the ſentiment of a celebrated writer, "that the man "who is free from miſtakes can pretend to no praiſe, "except what is derived from the juſtneſs of his un- "derſtanding; but that he who corrects his miſtakes, "diſplays at once the juſtneſs of his underſtanding, "and the candour of his heart."

MANCHESTER, *September* 20, 1788.

A

SOCRATIC DISCOURSE

ON

TRUTH.

INTER SILVAS ACADEMI QUÆRERE VERUM.

HOR.

A

SOCRATIC DISCOURSE

ON

TRUTH.

TO

T. B. P.

YOU have often been a witneſs, my dear Son, of the pleaſure experienced by me in the recollection of the Academical years which I paſſed at ——, in the purſuit of general ſcience, before I engaged in my profeſſional ſtudies at the univerſity of ——: and you have no leſs frequently heard me expreſs the higheſt veneration for the profound learning and exalted character of Philocles, under whoſe tuition the charms of knowledge firſt attracted my regard. I have lately reviſited thoſe ſcenes ſo delightful to my youth; but, leaving to your conception the emotions which I felt, I ſhall relate to you a SOCRATIC CONVERSATION that occurred there in my preſence, between Philocles and your kinſman Sophron. This amiable youth, who is likely to reflect a luſtre on the ſacred office, to which, I truſt,

he will ere long be called, had been reciting to his profeſſor an academical compoſition on the importance of TRUTH, and on the folly, infamy, and baſeneſs of LYING and DECEIT: and, when he laid down the book, Philocles expreſſed an earneſt wiſh, that ſuch ſentiments might ever influence the heart, and direct the conduct of his pupil. But general rules, continued he, are inſufficient for our government in the diverſified and complicated occurrences of life: and, if we be ambitious of acting with wiſdom, honour, and virtue, it is neceſſary that we ſhould make ourſelves acquainted with the various branches and ſubordinations of each moral duty. Let us, therefore, take a particular view of TRUTH, and of her inſeparable companion FAITHFULNESS. You are no novice in theſe ſubjects; and Euphronius, I am perſuaded, will be pleaſed to hear you exerciſed in the diſcuſſion of them.

I preſume you will concur with me in opinion, that MORAL TRUTH is the *conformity of our expreſſions to our thoughts;* and FAITHFULNESS, *that of our actions to our expreſſions:* And that LYING or FALSEHOOD *is generally a mean, ſelfiſh, or malevolent, and always an unjuſtifiable, endeavour to deceive another, by ſignifying or aſſerting that to be truth or fact, which is known or believed to be otherwiſe; and by making promiſes, without any intention to perform them.*

But if we believe our aſſertions or ſigns to be true, and they ſhould afterwards prove to be falſe, tell me, Sophron, are we then guilty of lying?

No, replied Sophron; we ſhall have committed only an error or miſtake: for under ſuch circumſtances we muſt have been deceived ourſelves, and could have had no deſign of impoſing upon others?

But is every breach of promiſe a lie, contiuued Philocles?

I ſhould think not, anſwered Sophron, if the promiſe were made with ſincerity, and the violation of it be unavoidable.

Your diſtinction is juſt, ſaid Philocles; and there are alſo certain conditions, obvious to the general ſenſe of mankind, underſtood or implied in almoſt every promiſe, on which the performance muſt depend. Whang-to, emperor of China, who governed his people like a father, and regarded his own elevation and power as truſts delegated for their good, had a daughter who was his only child, and the darling of his old age. He promiſed her in marriage to Ouſan-quey, the ſon of his favourite mandarine; and that he would bequeath to him all his dominions as her dowry. Ouſan-quey was at that time a youth of the moſt promiſing abilities and diſpoſitions; but the proſpect of royalty, and the adulation of a court, ſoon corrupted his heart. He became haughty, inſolent, and cruel; and the people anticipated, with horror, the tyranny which they muſt endure under his government. By the inſtitutions of the Chineſe, the great officers of ſtate may remonſtrate to the emperor, when his decrees are injurious to the public intereſt; and this privilege has often tended to abate

the rigour of deſpotiſm. Whang-to heard, with grief and aſtoniſhment, the complaints of his mandarines againſt Ouſan-quey. He ſummoned him into his preſence; and being ſatisfied with the proofs of his demerit, he addreſſed the officers of ſtate in the following terms: "I engaged my daughter in marriage, "and promiſed the inheritance of my dominions, to "Ouſan-quey, a youth who was wiſe, humane, and "juſt. In departing from virtue, he has cancelled "theſe obligations, and forfeited his title to both." Then turning to Ouſan-quey, he ſaid, "I command "you to retire from my court, and to paſs the re-"mainder of your days in the moſt diſtant province "of my empire."

But is it not deemed peculiarly honourable, Sophron, to perform a promiſe, when paſſion or ſelf-intereſt ſtrongly incites us to the violation of it?

Nothing raiſes our admiration higher, ſaid Sophron; and I beg leave to relate to you a ſtory, which places this truth in a very ſtriking point of view. A Spaniſh cavalier, without any reaſonable provocation, aſſaſſinated a Mooriſh gentleman, and inſtantly fled from juſtice. He was vigorouſly purſued; but availing himſelf of a ſudden turn in the road, he leaped, unperceived, over a garden wall. The proprietor, who was alſo a Moor, happened to be at that time walking in the garden; and the Spaniard fell upon his knees before him, acquainted him with his caſe, and in the moſt pathetic manner implored concealment. The Moor liſtened to him

with compaſſion, and generouſly promiſed his aſſiſtance. He then locked him in a ſummer-houſe, and left him, with an aſſurance that, when night approached, he would provide for his eſcape. A few hours afterwards, the dead body of his ſon was brought to him; and the deſcription of the murderer exactly agreed with the appearance of the Spaniard, whom he had then in cuſtody. He concealed the horror and ſuſpicion which he felt; and retiring to his chamber, remained there till midnight. Then, going privately into the garden, he opened the door of the ſummer-houſe, and thus accoſted the cavalier: "Chriſtian," ſaid he, "the youth whom you have "murdered was my only ſon. Your crime merits "the ſevereſt puniſhment. But I have ſolemnly "pledged my word for your ſecurity; and I diſdain "to violate even a raſh engagement with a cruel "enemy." He conducted the Spaniard to the ſtables, and furniſhing him with one of his ſwifteſt mules, "Fly," ſaid he, "whilſt the darkneſs of "the night conceals you. Your hands are polluted "with blood; but GOD is juſt; and I humbly thank "Him that my faith is unſpotted, and that I have "reſigned judgment unto Him."*

When Sophron had finiſhed this narrative, I took the liberty of obſerving that Faithfulneſs is a virtue, which we ſometimes meet with in very abandoned characters, who are neither influenced by a ſenſe of religious nor of moral obligation. In ſuch perſons it

* See Hiſtor. Mirror.

is founded on certain ideas of HONOUR, which originally ſpring from the beſt natural principles.* After the battle of Culloden, in the year 1745, a reward of thirty-thouſand pounds was offered to any one, who ſhould diſcover or deliver up the young Pretender. He had taken refuge with the Kennedies, two common thieves; who protected him with fidelity, robbed for his ſupport, and often went in diſguiſe to Inverneſs to buy proviſions for him. A conſiderable time afterwards, one of theſe men, who had reſiſted the temptation of thirty thouſand pounds, was hanged for ſtealing a cow, of the value of thirty ſhillings.†

But I apprehend, reſumed Sophron, with much modeſty, that there are caſes in which it would be more culpable to fulfil than to violate a promiſe.

To this propoſition Philocles gave his full aſſent, and illuſtrated it by the following ſuppoſititious caſe. A brace of loaded piſtols have been left in my hands by a friend, to whom I have engaged to reſtore them, whenever he ſhall make the demand. But if he claim them when intoxicated with liquor, or mad with paſſion and reſentment, it is evident that the performance of my promiſe would not only be weak, but extremely reprehenſible: and my friend himſelf, in his calm and ſober moments, would be amongſt the firſt to charge me with all the miſchiefs occaſioned by my erroneous ſenſe of duty. Haſty declarations and raſh aſſeverations are ſometimes made

* Vide Appendix, ſect. i. † See Pennant's Tour in Scot.

by good men, who cannot however reaſonably or conſcientiouſly fulfil them. When JESUS had waſhed the feet of ſeveral of his diſciples, he came to Simon Peter: *And Peter ſaid unto him, Lord, doſt thou waſh my feet? JESUS anſwered and ſaid, what I do thou knoweſt not now; but thou ſhalt know hereafter. Peter ſaid unto him, thou ſhalt never waſh my feet! JESUS anſwered him, if I waſh thee not, thou haſt no part with me. Simon Peter ſaid unto him, Lord, not my feet only, but alſo my hands and my head.** Nor can even vows, however ſolemn, be binding, when the object of them is the commiſſion of a crime: for though appeals to the Deity are ſacred pledges of our ſincerity, they make no change in the nature or legality of actions; and it would be the groſſeſt ſuperſtition to ſuppoſe, that the violation of GOD's ordinances can either be honourable or acceptable to Him.† David, in revenge for an inſult offered him by Nabal, vowed that he would put to the ſword every male of his family. But his wrath was afterwards appeaſed; and he became ſo ſo ſenſible of the injuſtice of his deſign, that he ſaid, *Bleſſed be the LORD who has kept his ſervant from evil.*‡

It ſhould ſeem, that the Roman emperor Trajan thought it might be criminal in his officers, under certain circumſtances, to maintain the allegiance which they had ſworn to him.‖ On the appointment of Suberanus to be captain of the royal guard,

* John, chap. xiii. † See Appendix, ſect. ii.

‡ 1 Sam. xxv. 22. ‖ See Appendix, ſect. iii.

he preſented him with a ſword, as the badge of his fealty, ſaying, "Let this be drawn in my defence, if "I rule according to equity; but if otherwiſe, it may "be employed againſt me."*

The concluſion concerning the obſervance of promiſes may be extended to Veracity, notwithſtanding the extravagant declaration of one of the Fathers, "that he would not violate truth, though he were "ſure to gain heaven by it." Whenever, from the concurrence of extraordinary circumſtances, the practice of one virtue is rendered incompatible with the performance of another of much higher obligation, it is evident that the inferior muſt yield to the ſuperior duty. An example will elucidate and evince the juſtneſs of this obſervation.

After the horrid maſſacre of the Huguenots in France, which began on St. Bartholomew's day 1572, the King of Navarre was very rigorouſly guarded, by the order of the Queen-mother, Catherine de Medicis. But one day, when he was hunting near Senlis, during the heat of the chaſe, he ſeized a favourable opportunity of making his eſcape; and galloping through the woods, with a few faithful friends, amongſt whom was young Roſny, afterwards Duke of Sully, he croſſed the Seine at Poiſſy,† and fled to the caſtle of a nobleman, who was a zealous though ſecret Proteſtant, and ſtrongly attached to his intereſt. Troops of horſe were ſoon diſpatched different ways

* Pliny.

† See Sully's Memoirs; and alſo the Preface to this Work.

in purſuit of him. One of theſe detachments ſtopped at the gates of the caſtle, where Henry was then refreſhing himſelf; and the captain demanded permiſſion to ſearch for him, ſhewing the royal mandate to bring the head of Henry, and to put his attendants to the ſword. Reſiſtance was evidently vain; and compliance would have been a breach of hoſpitality, friendſhip, and humanity; at the ſame time that it muſt have proved fatal to the intereſts of the reformed religion, and to the whole body of Proteſtants in France, who had no other protector than the King of Navarre. The nobleman therefore, without heſitation, and with an undaunted countenance, inſtantly ſaid, "Waſte not your time, ſir, in fruitleſs ſearches. "The King of Navarre, with his friends, paſſed this "way about two hours ago; and if you ſet ſpurs to "your horſe, you will overtake him before the night "approaches." The captain and his troop, ſatisfied with this anſwer, rode off at full ſpeed; and the King was then left at liberty to provide for his ſafety, by diſguiſing himſelf, and taking a different route.

Under ſuch circumſtances as you have deſcribed, all mankind, obſerved Sophron, would condemn a ſtrict adherence to TRUTH.* But what do you think of the conduct of the Portugueſe ſlave, whoſe

* "Inſani ſapiens nomen ferat, æquus iniqui,
"Ultra quam ſatis eſt virtutem ſi petat ipſam."
Hor. Ep. VI. lib. i. ver. 15.

"That which being done admits of a rational juſtification, is the "eſſence, or general character, of a MORAL DUTY."——Dialogue concerning Happineſs, by James Harris, eſq; p. 175.

breach of veracity, and even perjury, is extolled by Abbé Raynal, in his Hiſtory of the European Settlements? This negro, who had fled into the woods to enjoy the liberty which was his natural right, having learned that his old maſter was arreſted, and likely to be condemned for a capital crime, came into the court of juſtice; aſſumed the guilt of the fact; ſuffered himſelf to be impriſoned; brought falſe, though judicial proofs of his crime; and was executed inſtead of his beloved maſter.

The diſapprobation of falſehood, in this inſtance, anſwered Philocles, is ſuppreſſed for a while, by our admiration of the affection, gratitude, generoſity, and greatneſs of mind, diſplayed by the negro. We lament the bondage of ſuch a hero; and regret that his exalted virtues were not diſplayed on a more important and honourable occaſion. But when theſe firſt emotions are over, and we diſpaſſionately reflect on the conduct of the ſlave, we muſt condemn it as

"The right to truth may be forfeited in particular caſes, as by one "who hath formed a deſign to kill another, and if not hindered, will "probably accompliſh his wicked purpoſe. Neither the perſon "whoſe life is aimed at, ſhould he ſave himſelf by a lie, nor "any one who ſhould tell an officious lie for him, will be guilty "of the leaſt injuſtice to him whom by this means they keep from "perpetating the miſchief intended. Inſtead of a wrong, it is a "kindneſs."——Grove's Moral Philoſophy, vol. ii. p. 415.

"Adhering to the *ordinary* rules of duty, in theſe *extraordinary* "caſes, may ſometimes occaſion greater evils to our country, or to "mankind, than all the virtues any one mortal can exert, will "repair."——Hutcheſon's Moral Philoſophy, vol. ii. 4to. p. 117. See a farther diſcuſſion of this ſubject in the Appendix, ſect. iv. Conſult alſo Geneſis, chap. xii.

an unjuſtifiable ſacrifice of truth, of his own life, and of the duty which he owed to ſociety.* The divine command, *Thou ſhalt not bear falſe witneſs* AGAINST *thy neighbour*, cannot ſurely be ſuppoſed to imply that we may bear *falſe witneſs in his* FAVOUR; becauſe this would be to forbid private injury, and to authorize public wrongs. Judicial teſtimony, in the preſent circumſtances of the moral world, is eſſential to the well-being of ſociety; and to leſſen the general credibility of it, by introducing into courts of law falſehood and perjury, is a high crime againſt the ſtate, and ſeverely puniſhed in all countries which have emerged from barbariſm. Beſides, the good of the community requires that juſtice ſhould be executed on the offender himſelf, to prevent him from committing other crimes; and it would give encouragement to vice, if an innocent perſon, perhaps tired of life, or influenced by enthuſiaſtic notions of honour, friendſhip, or love, might ſuffer for another who is guilty.

The certainty of puniſhment, even in miſdemeanors, is ſtrongly urged by the Marquis de Beccaria, the great advocate for judicial lenity; and he thinks the forgiveneſs of the injured party himſelf ſhould not interrupt the execution of juſtice. "This may be an "act of good-nature and humanity," he obſerves, "but it is contrary to the good of the public. For "although a private citizen may diſpenſe with ſatis- "faction for his private injury, he cannot remove the

* See Appendix, ſect. iv.

" neceſſity of public example. The right of puniſhing " belongs not to any individual in particular, but to " the ſociety in general, or the ſovereign who repre- " ſents that ſociety; and a man may renounce his " own portion of this right, but he cannot give up " that of others."

The conduct of the negro, ſaid Sophron, however erroneous it might be in point of wiſdom, or unjuſtifiable with reſpect to its morality, was perfectly generous and diſintereſted. But the ſame elegant writer who records this fact has related another example of the violation of truth, from motives purely *ſelfiſh*, which I cannot condemn, though I know not how to juſtify. I will endeavour to recollect, and to repeat the ſtory. A Britiſh ſerjeant was taken priſoner by the ſavages in America, who prepared themſelves to put him to death, with all the barbarity which their ſkill in torture could invent. Shocked with the view of the horrid ſufferings which awaited him, he thus addreſſed the Indians: " Mighty warriors, your pre- " parations are vain, for my body is invulnerable; " and if you will ſet me at liberty, I will teach you " how to become ſo. Think not that I impoſe upon " you by falſe pretenſions. I am willing that you " ſhould try upon me an experiment, which may " ſatisfy your doubts. Let the chief who holds my " hanger now ſtrike with all his force. I equally " defy the ſharpneſs of the inſtrument, and the " ſtrength of his arms." Whilſt he was ſaying theſe words, he bent his head, and laid bare his neck. The

Indian eagerly advanced, and by one furious blow ſevered the head from the body. Thus the poor ſerjeant, by his preſence of mind, exchanged lingering tortures for an eaſy and inſtantaneous death.

Euphronius here remarked, that the ſtory is of doubtful authority, by the confeſſion of the Abbé himſelf. But admitting the truth of it, continued he, for the ſake of argument, what moraliſt can be ſo rigid as not to deem the conduct of the ſerjeant at leaſt excuſable? Perhaps no man, in ſimilar circumſtances, would have acted differently, if he poſſeſſed ſufficient compoſure to deviſe, or addreſs to practiſe, ſuch an expedient. The caſe is not analogous to that of martyrdom for religion. The horrid ſufferings to be endured in this inſtance could anſwer no good end; and ſociety received not the leaſt injury, either immediate or remote, by the evaſion of them.

Recollecting an hiſtorical fact of unqueſtionable truth, and ſtrictly applicable to the point in debate, I requeſted permiſſion to relate it. When Columbus and his crew were caſt away on an iſland, more than thirty leagues from Hiſpaniola, nothing remained to them in proſpect, but to end their miſerable days with naked ſavages, far from their country and their friends. To add to theſe calamities, the natives began ſoon to murmur at the reſidence of the Spaniards amongſt them; the ſupport of whom became burdenſome to men ignorant of agriculture, and unaccuſtomed to exertion or induſtry. They brought in proviſions with reluctance, furniſhed them ſpa-

ringly, and even threatened entirely to withhold them. Such a reſolution muſt have occaſioned inevitable deſtruction to the Spaniards; but Columbus prevented it by a happy device, that revived all the admiration and reverence with which the Indians firſt regarded theſe ſtrangers. By his ſkill in aſtronomy he knew there was ſhortly to be a total eclipſe of the moon. On the day before it happened, he aſſembled the principal perſons of the diſtrict, and after reproaching them for their defection from thoſe whom they had lately revered, he told them that the Spaniards were ſervants of the Great Spirit, who dwells in heaven: that, offended at their refuſal to ſupport the objects of his peculiar favour, the Deity was preparing to puniſh their crime with exemplary ſeverity; and that the moon ſhould be darkened that very night, and aſſume a bloody hue, as a ſign of the Divine wrath, and an emblem of the vengeance ready to fall on them. To this marvellous prediction ſome of the barbarians liſtened with careleſs indifference; others, with credulous aſtoniſhment: but when the moon began gradually to withdraw her light, and at length appeared of a red colour, all were ſtruck with terror. They ran with conſternation to their houſes, and returning to Columbus loaded with proviſions, threw them inſtantly at his feet, conjuring him to intercede with the Great Spirit, to avert the deſtruction with which they were threatened. Columbus, ſeeming to be moved by their entreaties, promiſed to comply with their deſire. The eclipſe went off, the

moon recovered its ſplendour; and from that time the Spaniards were not only furniſhed profuſely with proviſions, but treated with the moſt ſuperſtitious attention.* This ſolemn deceit of Columbus may be juſtified by the rights of neceſſity. Shipwrecked on a diſtant coaſt, in the proſecution of an enterprize, which in his mind appears to have originated from honourable and uſeful views, and deſtitute of every means of ſupplying himſelf and his aſſociates with ſuſtenance, he had a claim to the protection, aſſiſtance, and ſupport of the people who were ſpectators of his calamity: and it was a happy fertility of genius, which ſuggeſted to him an expedient far preferable to the force of arms. But I feel a ſecret wiſh that this truly great man had mixed leſs of falſity with his artifice. He might have reprehended the Indians for their want of hoſpitality, alarmed their fears by his prediction, and excited their wonder and reverence by its fulfilment, without denouncing in ſuch unguarded terms the immediate vengeance of Heaven. Truth is ſo important, and of ſo delicate a nature, that every poſſible precaution ſhould be employed to extenuate its violation, although the ſacrifice be made to duties which ſuperſede its obligation.

Philocles very obligingly thanked me for recalling to his memory ſo pertinent a fact. He then turned to his pupil, and aſked him what he thought of the maxim, which ſome perſons have adopted, "that "faith is not to be kept with rogues or traitors."

* See Robertſon's Hiſtory of America, vol. i. book ii.

I think the maxim, replied Sophron, falſe in itſelf, and highly injurious to ſociety. For, independent of the licentiouſneſs and cruelty to which it might give riſe, a man owes to his own honour and peace of mind, except on very extraordinary occaſions, the ſtrict performance of his promiſe. And this opinion ſeems to have influenced the conduct of the great Viſcount Turenne, and of Sir Richard Herbert. The former was attacked one night by robbers near Paris, who ſtripped him of his money, watch, and rings. He engaged to give them a hundred *louis d'ors*, if they would return him a ring, of little intrinſic worth, but on which he ſet a particular value. The highwaymen complied; and one of them had the boldneſs to go to his houſe the ſucceeding day, and in the midſt of a large company to demand, in a whiſper, the performance of his promiſe. The Viſcount gave orders for the money to be paid; and ſuffered the villain to eſcape, before he related the adventure.*

Sir Richard Herbert, being ſent by Edward the Fourth to reduce certain rebels in North-Wales, laid ſiege to Harlech caſtle, in Merionethſhire; a fortreſs ſo ſtrong, that he deſpaired of taking it but by blockade and famine. The captain of it offered to ſurrender, on condition that Sir Richard *would do what he could to ſave his life.* The condition was accepted; and Sir Richard brought the commander to the King, requeſting his Majeſty to grant him a pardon, as the expectation of this favour had induced him to yield

* See Ramſay's Life of Turenne.

up an important caſtle, which he might have defended. Edward replied to Sir Richard Herbert, "That as "he had no power by his commiſſion to pardon "any one, he might therefore, after the repreſenta- "tion hereof to his Sovereign, deliver him up to "juſtice." Sir Richard Herbert anſwered, "He "had not yet done *the beſt he could for him;* and "therefore moſt humbly deſired his highneſs to do "one of two things; either to put him again "in the caſtle where he had been, and command "ſome other to take him out; or, if his highneſs "would not do ſo, to take his life for the captain's, "that being the laſt proof he could give, that he had "uſed his utmoſt endeavour to fulfil his promiſe." The King, finding himſelf ſo much urged, pardoned the captain, but beſtowed on Sir Richard Herbert no "other reward for his ſervice."*

Theſe gentlemen, ſaid Philocles, diſplayed a delicate ſenſe of honour; and though I am dubious, whether the conduct of Monſieur Turenne has the ſanction of the great Roman caſuiſt,† yet, according to my judgment, both he and Sir Richard Herbert acted conformably to the laws of reaſon and rectitude. For every *lawful* promiſe, made by one poſſeſſing preſence of mind, and the free uſe of reaſon, no event or conſideration ſucceeding, which an unbiaſſed under-

* See the Life of Lord Herbert of Cherbury.

† "Si prædonibus pactum pro capite pretium non attuleris, nulla "fraus eſt, ne ſi juratus quidem id non feceris."——Cic. de Off. lib. iii. cap. 29.

ſtanding would deem ſufficient to render it *unlawful*, ought to be religiouſly obſerved.* But promiſes, extorted by fear, and that clearly contravene our duty to ſociety, are void in themſelves. Thus an engagement made with ſincerity, under the ſtrong impreſſions of terror, to a highwayman or murderer, not to bear teſtimony againſt him, can be of no validity; becauſe there ſubſiſts an antecedent claim of the community, which cannot be diſpenſed with by any of its members. I have ſuppoſed the engagement to be ſincere; for if entered into with a previous deſign of violation, a breach of truth and faithfulneſs is in ſome degree committed, notwithſtanding its injuſtice or illegality.

But when you deliver to another as a certain truth what you believe to be falſe, are you guilty of lying, ſhould it afterwards prove to be true?

Yes, anſwered Sophron; becauſe my intention is to deceive, and to make a ſuppoſed falſehood paſs for truth. Chian-fu was an officer in the guards of the emperor of Japan. He had formed a tender connection with one of the ladies of the court, and was on the point of marriage, when a formidable inſurrection in a diſtant iſland of the empire, occaſioned by the tyranny and cruel exactions of the government, obliged him to leave the capital without delay, to aſſume his poſt in the royal army. The war was protracted through various cauſes; and he bore with great impatience ſo long an abſence from his miſtreſs.

* See Grove's Moral Philoſophy..

By the influence of a bribe, he obtained permiſſion from the commander in chief to return to Jeddo for a few weeks, during which time he hoped to celebrate his nuptials. But dreading leſt the emperor ſhould reſent his deſertion of the army at ſo critical a conjuncture, he pretended that he brought tidings from the general, of an important advantage gained over the enemy, which was likely ſoon to be ſucceeded by a complete victory. Theſe accounts were founded on probability, not on truth; his falſehoods, however, procured him the moſt favourable reception at court. He married the lady; and after a week ſpent in feſtivity, prepared for his departure to join the army. An expreſs at this time arrived, with the news of the entire defeat of the inſurgents; but no mention was made of any previous diſpatches by Chian-fu. The emperor ſuſpected that he had been guilty of deceit. He was ſtrictly examined, confeſſed his crime, and the motives of it; and was condemned to ſuffer immediate death. For lying is a capital offence, by the laws of Japan.

If truth, reſumed Philocles, be an agreement between our words and thoughts, are you under an obligation to expreſs all your thoughts?

No, ſaid Sophron, prudence often forbids it; and it is no violation of truth to conceal thoſe thoughts, or that knowledge, with which another has no right to be acquainted. On a particular occaſion, the Jews demanded of JESUS, *What ſign ſheweſt thou unto us? JESUS anſwered and ſaid, Deſtroy this temple, and*

*in three days I will raiſe it up. Then ſaid the Jews, Forty and ſix years was this temple in building, and wilt thou rear it up in three days? But he ſpake of the temple of his body. When therefore he was ariſen from the dead, his diſciples remembered that he had ſaid this unto them.**

Sometimes, when improper or treacherous queſtions are aſked, ſilence would be no leſs dangerous than an explicit declaration of our ſentiments. In theſe caſes we ſhall be juſtified in the uſe of ſuch evaſions as do not contradict the truth. When the chief prieſts and ſcribes inquired of our Saviour, whether it was lawful to pay tribute unto Cæſar? *He perceived their craftineſs, and ſaid unto them, Why tempt ye me? Shew me a penny: whoſe image and ſuperſcription hath it? They anſwered and ſaid, Cæſar's. And he ſaid unto them, Render unto Cæſar the things which be Cæſar's, and unto* GOD *the things which be* GOD's. *And they could not take hold of his words before the people: and they marvelled at his anſwers, and held their peace.*

Under the reign of the cruel and bigoted queen Mary, the princeſs Elizabeth, her ſiſter, ſuffered a variety of perſecutions on account of her ſteady attachment to the Proteſtant religion. It is ſaid ſhe was one day interrogated concerning the LORD's-Supper, and that ſhe returned the following prudent and evaſive anſwer:

"CHRIST was the word that ſpake it;
"He took the bread and brake it;

* John ii. 18.

"And what the word did make it,
"That I believe and take it."*

Philocles expreſſed much ſatisfaction in the judicious diſtinction which his pupil had made, and obſerved, that the conduct of the princeſs Elizabeth is fully juſtified by the example of the apoſtle Paul, in circumſtances not very diſſimilar. The Athenians had a law, which rendered it capital to promulgate any new divinities.† And when Paul preached to them JESUS and the RESURRECTION, he was accuſed of having broken this law, and of being a *ſetter forth of ſtrange gods*; and was carried before the Areopagus, a court of judicature, which took cognizance of all criminal matters, and was in a particular manner charged with the care of the eſtabliſhed religion. An impoſtor, in ſuch a ſituation, would have retracted his doctrine, to ſave his life; and an enthuſiaſt would have ſacrificed his life, without attempting to ſave it by innocent means. But the Apoſtle wiſely avoided both extremes; and availing himſelf of an inſcription, "TO THE UNKNOWN GOD," which he had ſeen upon an altar in the city, he pleaded in his own defence, *Whom ye ignorantly worſhip, him declare I unto you.* By this preſence of mind he evaded the law, and eſcaped condemnation, without departing from the truth of the Goſpel, or violating the honour of GOD.‡

* Walpole's Cat. of Royal and Noble Authors.

† Socrates ſuffered under this law.

‡ Vide Acts xvii. 23. Alſo Lord Lyttelton's Obſervations on the Converſion and Apoſtleſhip of St. Paul.

Though I am no general admirer, continued Philocles, of the maxims of morality delivered by Lord Chesterfield, yet I think his remarks on the present subject peculiarly worthy of attention. "The pru-
"dence and necessity," says the noble author, "of
"frequently concealing the truth, insensibly seduces
"people to violate it. It is the only art of mean
"capacities, and the only refuge of mean spirits.
"Whereas concealing the truth upon proper occa-
"sions is as prudent and as innocent, as telling a lie
"upon any occasion is infamous and foolish. I will
"state you a case in your own department. Suppose
"you are employed at a foreign court, and that the
"minister of that court is absurd or impertinent
"enough to ask you what your instructions are; will
"you tell him a lie, which, as soon as found out, and
"found out it certainly will be, must destroy your
"credit, blast your character, and render you useless
"there? No. Will you tell him the truth then,
"and betray your trust? As certainly, No. But
"you will answer with firmness, That you are sur-
"prized at such a question; that you are persuaded
"he does not expect an answer to it; but that at all
"events he certainly will not have one. Such an
"answer will give him confidence in you; he will
"conceive an opinion of your veracity, of which
"opinion you may afterwards make very honest and
"fair advantages."

Philocles proceeded to interrogate his pupil, whether falsity, when in jest, is to be deemed a lie? But

Sophron declined the queſtion, as too nice for his deciſion, and deſired to hear the ſentiments of Philocles, who delivered them in the following terms. Wit and irony, raillery and humour, are often deviations from the ſtrict rules of veracity: but they are allowed by common conſent; and, under proper reſtrictions, they contribute to enliven converſation, and to improve our manners. But jocularity is certainly culpable, and may be deemed a ſpecies of lying, when it is intended to deceive without any good end in view; and eſpecially with the ungenerous one of diverting ourſelves at the painful expence of another. The practice alſo may lead to more criminal falſehoods; and it is related with honour of Ariſtides, that he held truth to be ſo ſacred, *ut ne joco quidem mentiretur.*

Some jocular lies have produced the moſt ſerious and affecting conſequences; of which I will give you an example or two, in the youthful frolics of Hilario, a nobleman who now looks back with ſorrow and regret on the ſufferings occaſioned by his levity. When he was a ſtudent at Cambridge, he went at midnight crying *fire! fire!* to the chamber door of one of the fellows of ———, a gentleman univerſally admired for his literary and poetical abilities, but who was of a timid and melancholy diſpoſition. The gentleman, awaked out of a ſound ſleep, and attentive only to the firſt ſuggeſtions of fear, leaped through the window at the hazard of loſing his life by the fall. Not long after this tranſaction, Hilario went up to London; and dining in a mixed company

of perſons of faſhion, he happened to ſit near a grave old gentleman, who took the firſt opportunity of making particular inquiries concerning a youth, then at Cambridge, whom he knew to be intimately acquainted with this nobleman. Hilario inſtantly ſuſpected that the ſerious Don was a rich uncle of his friend, and determined that he would give ſuch an account of the nephew, as ſhould occaſion a ſolemn letter of reproof, over which he hoped to regale himſelf on his return to college. He therefore jocularly ſaid, that his companion was a fine jolly fellow, always forming connections with the girls; that he loved to rattle the dice; and that he had lately loſt his next quarter's allowance, which would lower his courage at play for ſome time to come. From the alteration which he perceived in the ſtranger's countenance, he was aſſured of the ſucceſs of his *hum*, an abſurd term given to this ſhameful kind of lie: and when he got back to Cambridge, he haſtened to the apartment of his friend, to enjoy the laughter which he ſhould raiſe at his expence. But how was he ſhocked to find him in the delirium of a fever, occaſioned by a billet, which had been delivered the preceding day, purporting, "That Lucinda had juſt "beſtowed her hand upon a perſon much more de- "ſerving of her affections, than he had been repre- "ſented to her father by Hilario, his aſſociate in "pleaſure, extravagance, and profligacy."

By ſuch thoughtleſs and unjuſtifiable violations of truth, Hilario was often wounding his own peace of

mind, and involving his connections in diſtreſs. He was, however, at length compelled to correct this criminal habit, through the horror which he felt on having given riſe to a fatal duel between two brothers, by jocularly inſinuating to one of them, that he was rivalled in the affections of his miſtreſs by the other.

It would be happy, ſaid I, if we could aſcertain the reſtrictions under which theſe ſallies of frolic and jocularity may be indulged with innocence. One general rule may, I think, be admitted, that the entertainment which we thus create to ourſelves, ſhould be ſuch only as will be a future ſubject of mirth even to thoſe who are the preſent ſufferers by it. But to uſe the words of an excellent moraliſt, "as every "action may produce effects, over which human power "has no influence, and which human ſagacity cannot "foreſee; we ſhould not lightly venture to the verge "of evil, nor ſtrike at others, though with a reed, "leſt, like the rod of Moſes, it become a ſerpent in "our hands."*

Philocles now purſued the ſubject, by inquiring into the nature of EQUIVOCATION; which Sophron defined to be a mean expedient to avoid the declaration of truth, without verbally telling a lie. An equivocation, ſaid he, conſiſts of ſuch expreſſions as admit of more than one meaning. The ſpeaker uſes them in one ſenſe, and deſigns that the hearer ſhould underſtand them in another. Cicero mentions a certain perſon,

* Dr. Hawkſworth.

who made a truce with the enemy for thirty days, and treacherouſly evaded his agreement by laying waſte the country during the nights; alleging, that the truce was for ſo many *days*, not nights.* Such an equivocation as this has all the guilt and infamy of a lie; but I do not feel myſelf inclined to condemn the duplicity practiſed by a gentleman on the following occaſion. He was returning home from the aſſizes at York, and was attacked on the road by a highwayman, to whom he delivered a ſmall purſe of money. The robber told him that he ſhould not be ſatisfied with a few guineas, and ſternly demanded the ſum which he knew he had received, and then carried about him. The gentleman, with great apparent terror, drew out of his pocket a leathern bag, and giving it to the highwayman, ſaid, "*Take what you* "*want*, but ſpare my life." The robber eagerly received it, and was tranſported with the value of his acquiſition. He rode off with it through bye lanes, till he arrived at a place of ſecurity. There he ſtopped to examine his booty, which to his aſtoniſhment he found to conſiſt only of a quantity of halfpence, together with a copy of the dying ſpeech and earneſt exhortations of a malefactor, who had been executed the preceding day for robbery.

Can you acquit me, Philocles, ſaid I, of the criminality of equivocation, when in the exerciſe of my profeſſional duties, I ſtudy, by cheerful looks and ambiguous words, to remove from my patients the

* Vid. Cicero de Officiis, lib. i. cap. 13.

horrors of deſpair, to mitigate the apprehenſions of danger, and to deceive them into hope; that by adminiſtering a cordial to the drooping ſpirit, I may ſmooth the bed of death, or revive even expiring life? For there are maladies which rob the philoſopher of fortitude, and the Chriſtian of conſolation.

From my heart I acquit you, anſwered Philocles, with his wonted humanity. You do a kindneſs, not a wrong, to the perſon whom you thus deceive; and may reaſonably preſuppoſe his future approbation of that conduct, which meets with the preſent acquiescence of all his friends. The amiable and elegant Pliny, who had the niceſt ſenſe of honour, recites with applauſe, in a letter to Nepos, a ſtory, which may perhaps contribute to ſatisfy your mind, and remove your ſcruples.

The huſband of the celebrated Arria, Cæcinna Pætus, was very dangerouſly ill. Her ſon was alſo ſick at the ſame time, and died. He was a youth of uncommon accompliſhments, and fondly beloved by his parents. Arria prepared and conducted his funeral in ſuch a manner, that her huſband remained entirely ignorant of the mournful event which occaſioned that ſolemnity. Pætus often inquired with anxiety about his ſon; to whom ſhe cheerfully replied, that he had ſlept well, and was better. But if her tears, too long reſtrained, were burſting forth, ſhe inſtantly retired to give vent to her grief; and when again compoſed, ſhe returned to Pætus with dry eyes and a placid countenance, quitting, as it were, all the

tender feelings of the mother at the threſhold of her huſband's chamber.*

But addreſſing himſelf to Sophron, is it not a ſpecies of equivocation, and a breach of faithfulneſs, continued Philocles, when we do not perform our promiſes, according to the plain and obvious meaning of them?

Without doubt it is, anſwered Sophron. The moraliſt whom I before quoted, relates, that ten Romans, who had been taken in the battle of Cannæ, were ſent by Hannibal to the ſenate, to propoſe an exchange of priſoners. Before they ſet out, each of them engaged, by an oath, to return to the camp of the Carthaginians, if the embaſſy ſhould prove ineffectual. The ſenate rejected the offers of Hannibal, and nine of the priſoners honourably rendered themſelves up to him: but the tenth refuſed to return, on pretence that he had already diſcharged himſelf of his oath. For it ſeems that he went back to the camp of the Carthaginians ſoon after he quitted it, to fetch ſome neceſſaries, which he had deſignedly left behind, that he might be able to plead his having complied literally with the terms of his engagement. But the ſenate diſdained the deceit, and commanded the artful wretch to be ſent bound to Hannibal.

Mental and other private reſervations neither abſolve nor even extenuate the guilt of lying. When the unfortunate Mary, queen of Scotland, was married to the dauphin of France, the king, his father,

* Plin. Epiſt. XVI. lib. iii.

ſolemnly ratified every article inſiſted upon by the Scotch parliament, for preſerving the independence of their nation, and for ſecuring the ſucceſſion of the crown to the houſe of Hamilton. But Mary by his perſuaſion had antecedently and privately ſubſcribed three deeds, by which ſhe conſigned the kingdom of Scotland, on failure of her own iſſue, to his family; declaring all her promiſes to the contrary to be void.* The remark of Biſhop Taylor may be adopted, as the beſt comment on tranſactions of this infamous nature. If the words be a *lie* without *reſervation*, they are ſo with it: for this does not alter the words themſelves, nor the meaning of the words, nor the purpoſe of him who delivers them.†

But in what light are we to regard the ſtratagems, falſehoods, and acts of deceit, which have been employed in war, and often with applauſe, both in ancient and modern times?

In reply to this intereſting queſtion, Philocles obſerved, that war is ſeldom founded in juſtice; and that therefore we cannot be ſurprized that it ſhould occaſion, amongſt thoſe who wage it, a ſuſpenſion of the common laws of morality. The fraudulent exploits which are practiſed, by the tacit conſent, as it were, of the parties, may dazzle and ſurprize a ſuperficial obſerver; but a ſerious honeſt mind will generally condemn them, as inconſiſtent with the obligations of religion and virtue, and, except under

* Lord Kaims's Hiſtory of Man, vol. iv. p. 158.

† Ductor Dubitant. p. 498.

very particular circumſtances, injurious to the contending powers themſelves. For as integrity is the beſt policy in the conduct of individuals towards each other, it will appear to be equally ſo in the tranſactions between ſtates and communities, if an extenſive view be taken of their great and permanent intereſts. Cicero, in one of his dialogues, introduces Scipio as maintaining the following excellent maxim: *non modo* FALSUM *eſſe illud,* SINE INJURIA *non poſſe, ſed hoc veriſſimum, ſine* SUMMA JUSTITIA *rempublicam regi non poſſe.* "It is ſo far from being true, that go-"vernment cannot be carried on without injury to "others, that nothing is more certain than that it "cannot be well adminiſtered without an inviolable "adherence to the ſtricteſt juſtice." And the propriety of this obſervation ſeems to be acknowledged in ſome of the regulations of war, now univerſally adopted in civilized countries.

But a diſtinction ſhould be made between art or ſtratagem, and perfidy or falſehood.* The wiſeſt and beſt moraliſts admit, that we may deceive our enemies, when we have a juſt cauſe of war, by any ſuch ſigns as import no profeſſion of communicating our ſentiments to them. Thus I have heard that the Duke of Marlborough, when he commanded the allied army in Germany, called a council of war on a particular occaſion, to determine whether he ſhould attack the enemy on the ſucceeding day. His general officers were unanimous in recommending the mea-

* See Appendix, ſect. vi.

ſure; but the Duke expreſſed his objections to it in the ſtrongeſt terms, and the council ſubmitted to his ſuperior judgment. When he retired into his tent, Prince Eugene followed him, and lamented the disgrace in which ſuch a deciſion would involve them. "My reſolution," ſaid the Duke, "is fixed to give "battle to-morrow; and I ſhall inſtantly iſſue the "neceſſary orders. But I oppoſed this plan in "council, becauſe I had received ſecret information, "that our enemies had concerted the means of be-"coming acquainted with the reſult of our delibera-"tions. And you will agree with me in the neceſſity "of deceiving them."

But men of true courage and honour muſt hold in deteſtation all treachery and falſehood. The Earl of Peterborough, in conjunction with the Prince of Darmſtadt, carried on the ſiege of Barcelona, about the beginning of the preſent century. The governor offered to capitulate, and came to a parley with Lord Peterborough at the gates of the city. The articles were not yet ſigned; when ſuddenly loud ſhouts and huzzas were heard in the town. "You have perfi-"diouſly betrayed us!" ſaid the governor to the Earl; "whilſt we are capitulating with unſuſpecting "honour and ſincerity, your Engliſh ſoldiers have "entered the city by the ramparts, and are now "committing rapine, murder, and every kind of vio-"lence." "You do injuſtice to the Engliſh," replied the General; "this treachery is chargeable "only on the troops of Darmſtadt. But permit me

" to enter into the town with my ſoldiers, and I will
" inſtantly repreſs the outrage, and return to the gate
" to finiſh the capitulation."

The offer was made with an air of truth and ſincerity; and accepted with a generous confidence. Peterborough haſtened into the ſtreets, where he found the Germans and Catalans pillaging the houſes of the principal inhabitants. He drove them away; and obliged them to leave the booty which they were carrying off: and after having quieted all diſturbances, he rejoined the governor, and completed the capitulation, without demanding any new or more advantageous terms. The Spaniards were aſtoniſhed at the magnanimity of the Engliſh, whom they had generally regarded before as faithleſs barbarians.*

Sophron remarked, that the glory on this occaſion appeared to belong chiefly to Lord Peterborough, as an individual. But I recollect, continued he, a tranſaction in the Grecian hiſtory, which ſeems to evince an equal ſenſe of honour, and deteſtation of perfidy, in the whole body of the Athenians. Theſe people were inflamed with the ambition of governing Greece; and Themiſtocles, a favourite general, exerted all his talents to accompliſh the deſign. One day he aſſembled the citizens of Athens, and informed them, he had a moſt important plan to propoſe; but that he could not communicate it to them, becauſe the ſucceſs of it depended upon ſecrecy. He therefore requeſted them to appoint a confidential perſon, to

* See Voltaire's Siecle de Louis XIV.

whom he might explain his views, and whoſe approbation of them might have the force of public authority. Ariſtides was unanimouſly choſen; and Themiſtocles laid open to him the project, which he had conceived, of burning the whole fleet of the Grecian ſtates, then lying unguarded in a neighbouring port; the deſtruction of which, he ſaid, could not fail to ſecure the dominion of Athens. Ariſtides returned to the aſſembly, and declared, that the project of Themiſtocles promiſed the greateſt benefit to the commonwealth; but that it was perfidious and unjuſt. The people inſtantly, and with one voice, rejected the propoſal. But the Athenians were ſoon afterwards corrupted by proſperity: and Thucydides informs us, it became with them a maxim of ſtate, "that nothing is diſhonourable, which is "advantageous."*

Here I could not forbear to mention a noble and long-continued exertion of public faith and commercial honour, though it was a ſlight digreſſion from the topic of diſcourſe. The Spaniſh galeons, deſtined to ſupply Terra Firma, and the kingdoms of Peru and Chili, with almoſt every article of neceſſary conſumption, touch firſt at Carthagena, and then at Porto-Bello. In the latter place a fair is opened; the wealth of America is exchanged for the manufactures of Europe; and during its preſcribed term of forty days, the richeſt traffic on the face of the earth is begun and finiſhed, with unbounded confi-

* Thucydid. lib. vi.

dence, and the utmoſt ſimplicity of tranſaction. No bale of goods is ever opened, no cheſt of treaſure is examined. Both are received on the credit of the perſons to whom they belong; and only one inſtance of fraud is recorded, during the long period in which trade was carried on with this liberal confidence. All the coined ſilver which was brought from Peru to Porto-Bello, in the year 1654, was found to be adulterated, and to be mingled with a fifth part of baſe metal. The Spaniſh merchants, with their uſual integrity, ſuſtained the whole loſs, and indemnified the foreigners by whom they were employed. The fraud was detected; and the treaſurer of the revenue in Peru, the author of it, was publicly burnt.*

Are we not every day guilty of lying, purſued Philocles, in the common forms of civility; and in various modes of ſpeech, which cuſtom has introduced?

Surely not, replied Sophron; for if theſe be well underſtood, no one is deceived by them.

I do not entirely accord with you, Sophron, ſaid I; and I believe it will not be eaſy to juſtify, upon the principles either of wiſdom or ſtrict morality, many complimental expreſſions uſed in converſation. You remember the letter of the ambaſſador from Bantam, which is inſerted in one of the volumes of the Spectator. This honeſt ſtranger informs his maſter, that the people of England call him and his ſubjects barbarians, becauſe they ſpeak the truth; and account themſelves polite and civilized, becauſe

* Robertſon's Hiſt. of America, vol. ii. note 93, b. viii.

they ſay one thing, and mean another. "On my "firſt landing," ſays he, "one told me that he "ſhould be glad to do me any ſervice in his power. "I deſired him, therefore, to carry my portmanteau; "but inſtead of ſerving me according to his promiſe, "he laughed, and ordered another to do it. I "lodged the firſt week at the houſe of a perſon, who "intreated me to think myſelf at home, and to con- "ſider his houſe as my own. Accordingly, the next "morning I began to knock down one of the walls, "in order to let in the freſh air; and packed up "ſome of the houſhold goods, of which I intended "to make thee a preſent. But the falſe varlet ſoon "ſent me word, that he would have no ſuch doings "in his houſe." Perhaps, however, I may incur the charge of falſehood, by quoting the letter of an ambaſſador who never exiſted.

Such fictions, Philocles remarked, partake not of the nature of lies. They are intended to convey amuſement or inſtruction, not to ſerve the purpoſes of deceit.

Nor is the caſe eſſentially different, with reſpect to the common forms of civility. Their import is known to all who uſe them; and, as they are expreſſive of urbanity and benevolence, they tend, under proper reſtrictions, to ſoften the aſperities, and heighten the pleaſures, of ſocial intercourſe. Genuine courteſy has, indeed, its ſeat in the heart; and implies the deſire of gratifying others, in the ſubordinate offices of life, by the ſacrifice of our own eaſe or in-

tereſt. It is eſſential, therefore, to every amiable character; and can only diſplay itſelf in ſuch appropriated modes as cuſtom has eſtabliſhed in different countries, or amongſt different ranks of men. But, when the *ſubſtance* is wanting, ſome benefit is derived to the world even from its *forms:* and to the ruſtic, who claims the privilege of ſpeaking improper truths, or of acting with rude and malicious ſincerity, we may juſtly addreſs the words of Shakeſpeare:

. . . . . "This is ſome fellow,
"Who, having been praiſed for bluntneſs, doth affect
"A ſaucy roughneſs, and conſtrains the garb
"Quite from his nature. He can't flatter, he,
"An honeſt mind, and plain; he muſt ſpeak truth,
"And they will take it ſo; if not, 'tis plain."

On this account, I cannot but condemn the affected ſeverity of Paulinus biſhop of Nola, who reproves his correſpondent Sulpicius Severus for having ſubſcribed himſelf his ſervant. "Beware," ſays this primitive writer, "thou ſubſcribe not thyſelf HIS "SERVANT, who is thy BROTHER; for flattery is "ſinful; and it is not a teſtimony of humility to "give thoſe honours to men, which are only due to "the One Lord, Maſter, and GOD."* We find the patriarch Abraham actuated by no ſuch ſcruples, though he lived in the period of paſtoral ſimplicity, and was highly diſtinguiſhed for his virtue and integrity. *And he lift up his eyes and looked; and lo, three men ſtood by him. And when he ſaw them, he ran to meet them from the tent door, and bowed him-*

* See Barclay's Apology, p. 525.

*ſelf toward the ground; and ſaid, My lord, if now I have found favour in thy ſight, paſs not away, I pray thee, from thy ſervant.**

Lot, alſo, is repreſented, in the book of Geneſis, as accoſting, in ſimilar terms, two ſtrangers, with whoſe dignity he was then unacquainted. *And he ſaid, Behold now, my lords, turn in, I pray you, into your ſervant's houſe, and tarry all night, and waſh your feet; and ye ſhall riſe up early, and go on your ways.*†

The conduct and expreſſions of theſe venerable patriarchs might, I obſerved, be perfectly conſiſtent with the niceſt adherence to truth and ſincerity. For though they ſtyled themſelves the *ſervants* of the ſtrangers, whom they addreſſed, they could not mean to extend the term beyond ſuch *ſervices* as the laws of hoſpitality required.

Similar laws, anſwered Philocles, which general conſent has eſtabliſhed, bind every man, in the common intercourſe of life, to reſtrain his angry paſſions, to ſilence his ſevere judgments, to ſuppreſs his pride and arrogance, and not only to correct whatever is offenſive in his manners, but to ſhew that urbanity of ſpirit, which, by its benevolent attentions, contributes to alleviate miſery, and to increaſe the ſum of public happineſs and order. Miſtake me not, however, by ſuppoſing that I would recommend forward profeſſions, a fawning demeanour, or unlimited complaiſance. Integrity of heart and ſteadineſs of principle forbid all ſinful conformity with the world:

* Gen. xviii. 2, 3. † Gen. xix. 2.

and I would neither flatter folly, countenance vice, nor yield up one important duty to artificial politeneſs. But the ſacrifice of my own pride, reſentment, caprice, or ill-nature, to ſocial eaſe and enjoyment, may often be required: and he, who, like Diogenes, neither poſſeſſes the ſubſtance nor the form of courteſy, ſhould be baniſhed from the world. This cynic, you remember, when he paid a viſit to Plato, who united a taſte for elegance with the love of philoſophy, exulted in the rudeneſs of reproof, and bedaubing with his dirty feet the fine carpet which covered the floor, cried out, "Thus I trample on the pride of Plato." "But with far greater pride," retorted Plato, with a ſarcaſtic ſeverity, which the occaſion fully juſtified. Lord Bacon mentions two noblemen of his acquaintance, one of whom kept a very magnificent table, but treated his gueſts with illiberal freedom: the other, when he entertained the ſame gueſts, probably with humbler cheer, but more politeneſs, uſed to aſk them, "Tell truly, was there never a flout, or "dry blow, given at my lord's table?" To which the gueſts anſwered, "Such and ſuch a thing paſſed." "I thought," ſaid this nobleman, "he would mar "a good dinner."*

Urbanity has been admirably characterized, by a celebrated writer, under the appellation of GENTLENESS. "This virtue," he obſerves, "is founded "on a ſenſe of what we owe to Him who made us, "and to the common nature of which we all ſhare.

* Bacon's Eſſays, xxxii.

" It ariſes from reflection on our own failures and " wants, and from juſt views of the condition and " the duty of man. It is native feeling, heightened " and improved by principle. It is the heart which " eaſily relents, which feels for every thing that is " human, and is backward and ſlow to inflict the " leaſt wound. It is affable in its addreſs, and mild " in its demeanour; every ready to oblige, and will- " ing to be obliged by others; breathing habitual " kindneſs towards friends, courteſy to ſtrangers, " long-ſuffering to enemies. It exerciſes authority " with moderation, adminiſters reproof with tender- " neſs, confers favours with eaſe and modeſty. It " is unaſſuming in opinion, and temperate in zeal. " It contends not eagerly about trifles; is ſlow to " contradict, and ſtill ſlower to blame; but prompt " to allay diſſention, and to reſtore peace. It nei- " ther intermeddles unneceſſarily with the affairs, nor " pries inquiſitively into the ſecrets, of others. It " delights above all things to alleviate diſtreſs, and, " if it cannot dry up the falling tear, to ſooth at leaſt " the grieving heart. Where it has not the power " of being uſeful, it is never burdenſome. It ſeeks " to pleaſe, rather than to ſhine and dazzle; and " conceals with care that ſuperiority, either of talents " or of rank, which is oppreſſive to thoſe who are " beneath it. In a word, it is that ſpirit, and that " tenour of manners, which the Goſpel of CHRIST " enjoins, when it commands us *to bear one another's*

" *burdens; to rejoice with thoſe who rejoice, and to*
" *weep with thoſe who weep; to pleaſe every one his*
" *neighbour for his good; to be kind and tender-*
" *hearted; to be pitiful and courteous; to ſupport the*
" *weak, and to be patient towards all men.*"*

Sophron appeared to be much impreſſed with this animated and ſtriking picture of courteſy; but he ſuggeſted to Philocles, that amongſt the inferior offices of ſocial life, he had not noticed the duties of COUNSEL and REPROOF. Theſe, ſaid he, I fear, cannot be adminiſtered by a mind under the influence of gentleneſs, without the concealment, and ſometimes even the violation, of truth.

The former part of your allegation, replied Philocles, may perhaps be granted; but the latter I cannot admit. Advice and reprehenſion require, indeed, the utmoſt delicacy; and painful truths ſhould be delivered in the ſofteſt terms, and expreſſed no farther than is neceſſary to produce their due effect. A courteous man will alſo mix what is conciliating with what is offenſive; praiſe with cenſure; deference and reſpect with the authority of admonition; ſo far as theſe can be done in conſiſtency with probity and honour. For the mind revolts againſt all cenſorian power, which diſplays pride or pleaſure in finding fault; and is wounded by the bare ſuſpicion of ſuch diſgraceful tyranny. But advice, diveſted of the harſhneſs, and yet retaining the honeſt warmth of

* Blair's Sermons, vol. i. p. 150.

truth, "is like honey put round the brim of a veſſel "full of wormwood."* Even this vehicle, however, is ſometime inſufficient to conceal the draught of bitterneſs; of which we are furniſhed with an admirable and diverting inſtance in the hiſtory of Gil Blas. This young man became the favourite of the Archbiſhop of Grenada, in whoſe family he enjoyed a lucrative and agreeable office, and future proſpects of much higher preferment. The archbiſhop regarded him as a perſon of taſte and ſentiment; and one day entered into the following converſation with him. "Liſten with attention to what I am going "to deliver. My chief pleaſure conſiſts in preaching; "the LORD gives a bleſſing to my homilies; they "touch the hearts of ſinners, make them ſeriouſly "reflect on their conduct, and have recourſe to in-"ſtant repentance. This ſucceſs ſhould alone be a "ſufficient incitement to my ſtudies: nevertheleſs, I "will confeſs to thee my weakneſs, and acknow-"ledge that I propoſe to myſelf another reward, a "reward with which the delicacy of my nature re-"proaches me in vain. The honour of being reck-"oned a perfect orator has charmed my imagination: "my performances are thought equally nervous and "refined; but I am anxious to avoid the misfortune "of thoſe who write too long; and I wiſh to retire "without forfeiting one tittle of my reputation. "Wherefore, my dear Gil Blas, what I exact of thy "zeal is, that whenever thou ſhalt perceive a failure

* Memoirs of Brandenburgh, by the King of Pruſſia.

" in my genius, or the leaſt mark of the imbecility " of old age in my compoſitions, that thou wilt im- " mediately advertiſe me of it. I dare not truſt to " my own judgment, which may be ſeduced by ſelf- " love; but make choice of thine, becauſe I know it " to be good, and am reſolved to ſtand by thy deci- ſion." Some time after this diſcourſe, the prelate was ſeized with a fit of apoplexy. He was however ſoon relieved; and ſuch ſalutary medicines were adminis- tered, that his health ſeemed to be re-eſtabliſhed. But his underſtanding ſuffered a ſevere ſhock, which was plainly perceptible in the firſt homily that he compoſed. The ſucceeding one proved perfectly deciſive; as it abounded in repetitions, vain argu- ments, and falſe pathos. " Now," ſaid Gil Blas to himſelf, " maſter homily-critic, prepare to exerciſe " the office which you have undertaken. You ſee " that the faculties of his grace begin to fail. It is " your duty to give him notice of it, not only as the " depoſitory of his thoughts, but likewiſe leſt you " ſhould be anticipated by ſome other of his friends." But the embaraſſment was, how to convey the mor- tifying intimation to his patron. Fortunately the archbiſhop extricated him from the difficulty, by en- quiring what people ſaid of him, and if they were ſatisfied with his laſt diſcourſe. Gil Blas anſwered, that the homily had not ſucceeded ſo well as the others, in affecting the audience. ' How?' replied the prelate with aſtoniſhment; ' has it met with any ' Ariſtarchus?' " No, Sir," ſaid Gil Blas, " by

"no means: but ſince you have laid your injunctions "upon me to be open and ſincere, I will take the "liberty of telling you, that your late diſcourſe, in "my judgment, has not altogether the energy of "your prior performances." The archbiſhop grew pale at theſe words; and ſaid, with a forced ſmile, 'So then, Mr. Gil Blas, this piece is not to your 'taſte? You think my underſtanding enfeebled, 'don't you?' "I ſhould not have ſpoken ſo "freely," anſwered Gil Blas, "if your grace had "not commanded me. I do no more, therefore, "than obey you; and I moſt humbly beg that you "will not be offended at my freedom." 'God 'forbid,' cried the prelate, with precipitation; 'God forbid that I ſhould find fault with it. This 'would be extremely unjuſt. I am not angry that 'you ſpeak your ſentiments: it is the ſentiment only 'that I condemn. Know that I never compoſed a 'better homily than that of which you diſapprove; 'for my genius, thank heaven, hath yet loſt nothing 'of its vigour. Henceforth, however, I will chooſe 'an abler confidant than you are. Go,' added he, puſhing Gil Blas out of his cloſet by the ſhoulders, 'go, tell my treaſurer to give you a hundred ducats. 'I wiſh you all manner of proſperity, with a little 'more taſte.'*

But we have enlarged ſufficiently on this part of our ſubject. Permit me, therefore, Sophron, to pro-

* Gil Blas, vol. iii

ceed, by enquiring, whether SECRECY, in certain caſes, be not a branch of faithfulneſs or veracity?

It is a very important one, anſwered Sophron. To betray the confidence that is repoſed in us, whether we have tacitly or by a promiſe bound ourſelves to fidelity, evinces a weak underſtanding or a bad heart. Levity, an eagerneſs to communicate, or the deſire of ſeeming to be important, are the moſt frequent cauſes of the breach of ſecrecy; but it is to be feared, that it ſometimes originates from baſeneſs and malevolence.

This offence was deemed infamous by the ancient Perſians. For it was their opinion, ſays Quintus Curtius, that however deficient a man might be in the talents requiſite to the attainment of excellency, the negative virtues were, at leaſt, in his power; and that he might be ſilent, although he could not be eloquent.

Here Philocles judiciouſly remarked, that the laws of ſecrecy are not, in all caſes, to be regarded as inviolable; for we are under antecedent obligations, of a nature ſtill more forcible and binding. If any atrocious deſign, either againſt an individual or the ſtate, be communicated in confidence to us, it is our duty to diſſuade the party, if poſſible, from the execution of it. But ſhould our endeavours appear to be unavailing, the concealment of what we know might involve us in the guilt of the offence; and we ſhould be juſtly puniſhable, as acceſſaries to the crime. At Florence, and in other ſtates of Italy, a

a man appriſed of a plot againſt the government is put to death for not revealing it.* In England, *miſpriſion* of *treaſon* is puniſhed by forfeiture of rents and of goods, and by impriſonment during life: and *miſpriſion* of *felony*, by impriſonment for a diſcretionary term, and by fine and ranſom, at the pleaſure of the king's judges.†

If ſuch *miſpriſions* be really culpable, how comes it to paſs, I aſked, that informers are almoſt univerſally held in contempt and deteſtation?

Becauſe few villains, ſaid Philocles, will communicate their wicked deſigns to any but thoſe, whom they believe inclined to participate in the commiſſion of them. Hence there is generally a preſumption of previous guilt in the informer: and to this guilt we ſuperadd that of baſeneſs and perfidy, as we are not willing to ſuppoſe that he is influenced to perform this public act either by motives of private virtue or of patriotiſm. However, we ſhould be careful not to carry our prepoſſeſſion againſt informers, even of this claſs, too far. They do eſſential ſervice to the community; and may, perhaps, think this ſervice the beſt atonement for their paſt guilt, and the fulleſt proof of their preſent repentance.

There is another branch of faithfulneſs, which it is alſo diſhonourable to violate, and which lays us under an obligation to avoid TATTLING, TALE-BEARING, and CENSORIOUSNESS. In the unguarded hours of ſocial intercourſe, and ſtill more in the commerce of

* Guiccardini's Hiſt. † Blackſtone's Commentaries.

domeſtic life, the wiſeſt and the beſt of men ſpeak their thoughts without reſerve; and caſting off all reſtraint, may ſometimes deviate, both in their words and actions, from the rules of ſtrict propriety. To relate ſuch inadvertencies, is meanneſs; to ridicule them, is ill-nature; and to exaggerate them, is calumny.*

Sophron now turned our attention to a moſt important branch of moral truth, by inquiring whether INSINCERITY in RELIGION may not be deemed a highly criminal ſpecies of lying?

Certainly it may, returned Philocles. GOD is a being of ſpotleſs purity, who ſearches the heart, and commands us to worſhip Him "*in ſpirit and in truth.*" "*Lying lips*," whether employed in falſe profeſſions of faith or of piety, "*are an abomination to the* "*LORD.*" And he who can habitually practiſe inſincerity and hypocriſy, in thoſe ſerious and important tranſactions with his Creator, Benefactor, and Judge, which have eternity for their object, is not likely to pay any ſteady regard to temporary intereſts, reſulting from the laws of ſociety, or the ordinary obligations of morality. When one of the kings of France ſolicited M. Bogier, who was a Proteſtant, to conform to the Roman Catholic religion, promiſing him

* "Abſentem qui rodit amicum,
"Qui non defendit, alio culpante; ſolutos
"Qui captat riſus hominum, famamque dicacis;
"Fingere qui non viſa poteſt; commiſſa tacere
"Qui nequit; hic niger eſt; hunc tu, Romane, caveto."
HOR, lib. i. ſat. iv.

in return a commiſſion or a government; "Sire," replied he, "if I could be perſuaded to betray my "God for a marſhal's ſtaff, I might be induced to "betray my king for a bribe of much leſs value."

It was a noble reply! cried Sophron, with ingenuous warmth; and the recital of it brings to my memory a ſtory which the Duke of Sully has recorded of Ambroſe Parè, a zealous Huguenot, and ſurgeon to Charles the Ninth of France. He was with the king during the time of the maſſacre of Paris, when ſo many thouſand innocent and virtuous perſons were inhumanly butchered in cold blood; and was perhaps a witneſs of the monarch's firing with a carbine upon the wretched Calviniſts, who fled from their murderers by the windows of the palace. The courtiers, as they came into the royal preſence, vied with each other in boaſting of the barbarities which they had committed; and Charles ſaid to Parè, whoſe religious opinions he well knew, "The time is now come, "when I ſhall have none but Catholics in my domi-"nions." 'Sire,' anſwered he, without embarraſſment or perturbation, 'can you forget your pro-'miſe to me, that I ſhould never be obliged to go to 'maſs!' The Duke of Sully ſeems to be of opinion, that the edict which Charles iſſued the ſucceeding day, to prohibit the continuance of the maſſacre, was partly owing to the intrepidity and influence of Parè.

The conduct of Parè, ſaid Philocles, on ſo trying an occaſion, affords a ſtriking proof of firmneſs and ſincerity in the profeſſion of religious faith. But ex-

amples of much higher degrees of ſimilar fidelity are to be found in the earlier annals of the Chriſtian church. Nor are inſtances wanting, even in the heathen world, of a zealous and fearleſs attachment to thoſe rites which ignorance deemed ſacred, and which individuals or bodies of men bound themſelves by ſolemn engagements to perform. When the Gauls were become maſters of Rome, they beſieged the capitol, and cloſely guarded every avenue, to prevent the eſcape of a ſingle Roman citizen. Under theſe circumſtances of danger, Caius Fabius Dorſo, a young man of an illuſtrious family, deſcended from the capitol, bearing certain holy utenſils in his hands; and paſſed through the midſt of the enemy, regardleſs of their menaces, to offer a ſacrifice to the gods on the hill Quirinalis. This ſacrifice it was the cuſtom of his anceſtors to perform yearly, on a ſtated day; and when he had finiſhed the ſolemnity, the Gauls, though a fierce and barbarous people, ſuffered him to return unmoleſted, admiring his piety, and aſtoniſhed at his intrepidity.* Facts like theſe ſhould make us bluſh at indifference, and abhor diſſimulation, in religion. But whilſt we allow ſuch impreſſions to produce their full influence on our hearts, let us beware of paſſing judgment upon others with raſhneſs or unchriſtian ſeverity. Intemperate zeal is apt to beget a malignancy of ſpirit, no leſs incompatible with the love of GOD, than with benevolence to man. The conviction of the mind in matters of faith often

* Vide Liv. Hiſt.

depends more upon education and authority than on the exertions of reaſon: and if we ſee men profeſſing to believe what is unintelligible or abſurd, we ſhould be well aſſured that they have not deceived themſelves, before we accuſe them of mocking their Creator, and impoſing on the world.

We may pity ignorance, and lament credulity; but hypocriſy, urged Sophron, merits from us no indulgence: and this ſpecies of falſehood is ſo characteriſtically marked, that it cannot be miſtaken. Who, that obſerves a man ſanctified in his behaviour, and aſſiduous in his public devotions, whilſt he is at the ſame time ſelfiſh, malevolent, bigoted, and oppreſſive, will heſitate to charge him with the groſſeſt and moſt infamous diſſimulation?

If there be ſufficient proof that this is really his temper of mind, I acknowledge, ſaid Philocles, that you may and ought to brand him with the name of hypocrite. But no man ſhould be charged with a crime univerſally odious, on ſlight or equivocal evidence. There is a ſpecies of devotion, which having its ſeat chiefly in the imagination and the paſſions, bears no exact proportion to the virtue of the character in which it is found: and charity, together with an humble ſenſe of our own infirmities, will always lead us to put the moſt favourable conſtruction on the conduct of our fellow-creatures. We ſhould remember alſo, that enthuſiaſm and ſuperſtition have often appeared with the external marks of diſſimulation. The famous Lord Herbert, of Cherbury, had

written an elaborate work againſt Chriſtianity, which he entitled, *De Veritate, prout diſtinguitur à Revelatione.* But knowing that it would meet with much oppoſition, he remained ſome time in anxious ſuſpenſe about the publication of it. Providence, however, as he informs us, kindly interpoſed, and determined his wavering reſolutions. Hear the marvellous tale which he relates!

"Being thus doubtful in my chamber, one fair day "in the ſummer, my caſement being opened towards "the ſouth, the ſun ſhining clear, and no wind ſtir- "ring, I took my book *De Veritate* in my hand, and "kneeling on my knees, devoutly ſaid, *O thou eternal* "*God, I am not ſatisfied enough whether I ſhall pub-* "*liſh this book. If it be for thy glory, I beſeech Thee* "*give me ſome ſign from heaven; if not, I ſhall ſup-* "*preſs it.* I had no ſooner ſpoken theſe words, but "a loud, though yet gentle, noiſe came from the "heavens, which did ſo comfort and cheer me, that "I took my petition as granted, and that I had the "ſign I demanded; whereupon alſo I reſolved to "print my book."*

It muſt appear ſtrange that a man who had ſpent a conſiderable part of his life in courts and camps, ſhould poſſeſs ſuch a deluded imagination. And this deluſion will be ſtill more ſuſpicious, when you are told that Lord Herbert's chief argument againſt Chriſtianity is, the improbability that Heaven ſhould reveal its laws only to a portion of the earth. For

* See the Life of Lord Herbert, written by himſelf.

how could he, who doubted of a *partial*, believe an *individual* revelation? Or is it poſſible, that he could have the vanity to think his book of ſuch importance as to extort a declaration of the Divine will, when the intereſt and happineſs of a fourth part of mankind were deemed by him objects inadequate to the like diſplay of goodneſs?* Do theſe arguments convince you of Lord Herbert's hypocriſy? Your concluſion is haſty and unjuſt. Read his life, and you will be ſatisfied that the warmth of his temper might expoſe him to ſelf-deception; but that he was incapable of obtruding on the world what he knew to be a falſehood.

Sophron modeſtly acknowledged, that the ſigns of religious diſſimulation might be leſs deciſive than he had ſuppoſed. But allow me, ſaid he, to contraſt your inſtance of Lord Herbert with two facts concerning Oliver Cromwell; to ſhew that the charge of hypocriſy may be juſtly grounded on ſingle actions, without taking into our view the whole tenour of a man's life. Suppoſe a ſtranger, ignorant of the craftineſs and ambition of Cromwell, to have been preſent in the long parliament, when the ordinance for the trial of Charles I. was read and aſſented to; would he have heſitated to think him a hypocrite, after hearing him deliver the following words? "Should any one have voluntarily propoſed to bring "the king to puniſhment, I ſhould have regarded "him as the greateſt traitor; but ſince Providence

* See Walpole's Catalogue of Royal and Noble Authors.

"and neceſſity have caſt us upon it, I will pray to "God for a bleſſing on your counſels; though I am "not prepared to give you my advice on this im- "portant occaſion. Even I myſelf, when I was lately "offering up a petition for his Majeſty's reſtoration, "felt my tongue cleave to the roof of my mouth; "and conſidered this ſupernatural movement as the "anſwer which Heaven, having rejected the king, "had ſent to my ſupplications."*

Let us farther ſuppoſe that this ſtranger attended the high court of juſtice, and ſaw Cromwell, when he took the pen in his hand to ſign the warrant for the king's execution, jocularly bedaub the face of his neighbour with the ink; could he forbear to expreſs his diſguſt at the levity which he then obſerved, and his abhorrence of the groſs diſſimulation to which he had been before a witneſs?

You have drawn your example, replied Philocles, from that diſtracted period of our hiſtory when truth appears to have been baniſhed from public life. The deſpotic views of a monarch who was under the influence of a Popiſh queen, a bigoted prelate, and a corrupt ſtateſman, led him to the practice of deceit and falſehood;† and the parties who united in oppoſing his encroachments on the civil and religious rights of the people, ſoon deviated from their original principles; and availing themſelves of the gloomy enthuſiaſm of the times, concealed their perfidy and ambition under the maſk of pious zeal and divine

* Whitlock. † See Appendix, ſect. v.

illuminations. That Cromwell was guilty of hypocriſy, may with too much probability be inferred from numerous and undoubted facts. But I know not whether the two which you have related would have authorized a ſtranger to charge him publicly with this reproachful offence. Cromwell poſſeſſed a vigorous, active, and enlarged underſtanding; and could aſſume, whenever he pleaſed, that dignity of manners which befitted his high ſtation. But when he relaxed himſelf from the toils of war, or the cares of government, his amuſements frequently conſiſted in the loweſt buffoonery. Yet in theſe apparently unguarded moments he was upon the watch to remark the characters, deſigns, and weakneſſes of men; and to penetrate into the inmoſt receſſes of their hearts. Before the trial of Charles, a meeting was held between the chiefs of the republican party and the general officers, to concert the model of the intended new government. After the debates on this moſt intereſting and important ſubject, Ludlow informs us, that Cromwell, by way of frolic, threw a cuſhion at his head; and when Ludlow took up another cuſhion to return the joke, the general ran down ſtairs, and was in danger of breaking his bones in the hurry.* It is evident, therefore, that this extraordinary man might really be ſerious, under the appearance of levity. But this topic has engroſſed too much of our attention; and I will only add, that

* Hume's Hiſtory.

the more we cultivate moral or religious ſincerity in ourſelves, the leſs diſpoſed we ſhall be to ſuſpect the want of it in others.

There is a character, ſaid Sophron, of genuine dignity and importance, not uſurped like that of Cromwell, the luſtre of which has been tarniſhed by the charge of religious diſſimulation. This charge, you know, is laid in the ſtrongeſt terms againſt the apoſtle Peter, by St. Paul himſelf, who writes thus to the Galatians: *But when Peter came to Antioch, I withſtood him to the face, becauſe he was to be blamed. For before that certain came from James, he did eat with the Gentiles; but when they were come, he withdrew, and ſeparated himſelf, fearing them which were of the circumciſion. And the other Jews diſſembled likewiſe with him, inſomuch that Barnabas was carried away with their diſſimulation. But when I ſaw that they walked not uprightly, according to the Goſpel, I ſaid unto Peter before them all, If thou, being a Jew, liveſt after the manner of Gentiles, and not as do the Jews, why compelleſt thou the Gentiles to live as do the Jews?*

The conduct of Peter on this occaſion is the more extraordinary, as he appears to have had the fulleſt conviction of the abolition of the Jewiſh ceremonies, by the promulgation of the Goſpel of CHRIST:* a conviction founded on an immediate revelation from heaven; in conſequence of which he baptized the centurion Cornelius and his family. *And he ſaid*

* Acts v. 7, 8.

unto them, Ye know how that it is an unlawful thing for a man that is a Jew to keep company with or come unto one of another nation: but God *hath ſhewed me, that I ſhould not call any man common or unclean. For of a truth I perceive that* God *is no reſpecter of perſons; but in every nation, he that feareth Him, and worketh righteouſneſs, is accepted with Him.**

The enemies of Chriſtianity, anſwered Philocles, have indecently and unjuſtly triumphed in this diſpute between the apoſtles; and its friends, with a zeal no leſs heated and erroneous, have anxiouſly ſought to diſavow or to evade it. Two primitive fathers† of the church have even repreſented it as a ſtratagem or deceit, concerted privately for the benefit of the Jewiſh converts; but Auſtin rejects this defence with proper indignation, as diſhonourable to the character of Paul, and inadequate to the juſtification of Peter, whoſe conduct he confeſſes to have been worthy of reprehenſion. The truth, indeed, ſeems to be, that this great Apoſtle ſuffered himſelf to be governed on the unfortunate occaſion now alluded to, as on ſeveral others of his life, by the warmth and impetuoſity of his paſſions. But diſſimulation is not the concomitant of ſuch a temper of mind: and as the hiſtory of Peter ſufficiently evinces that this vice was foreign to his nature, it could originate only in the preſent inſtance from the ſudden impreſſion of fear on one, not yet completely diſciplined in the ſchool of fortitude. Let us learn therefore, Sophron, from the ſeverity of St.

* Acts x. † Chryſoſtom and Jerom.

Paul's rebuke, to avoid all mean prevarications or time-ſerving compliances, inconſiſtent with our religious principles; and *to walk uprightly, according to the truth of the Goſpel, holding faſt the liberty with which* CHRIST *has made us free.*

May we remember alſo, in the judgments which we form concerning the faith and practices of others, that our great Maſter and Lawgiver has inveſted them with the ſame freedom which we ourſelves enjoy; and that if an apoſtle was not authorized to impoſe a yoke on others, we can have no claim to preſide over conſcience, however erroneous it may be, or to aſſume any power in ſpiritual matters, but what ariſes from the perſuaſive influence of ſuperior reaſon: and even in the exerciſe of this faculty, our language and treatment ſhould be ſuch, as to manifeſt the benignity and gentleneſs of Chriſtian toleration.

I could not hear the term *toleration* from the mouth of Philocles, without expreſſing ſome objections to it, although it has been adopted by Mr. Locke, and other writers of the firſt diſtinction. For words, I obſerved, have a conſiderable influence on opinions; and the preſent term appears to be injurious to that religious liberty which it is deſigned to import. It implies a *right* to impoſe articles of faith and modes of worſhip; that non-conformity is a crime; and that the *ſufferance* of it is a matter of favour or lenity. But the non-conformiſt in every country, whether he be a Chriſtian at Conſtantinople, a Proteſtant at Rome, an Epiſcopalian in Scotland, or a Preſbyterian in Eng-

land, if his rational principles be conſonant to his practice, will regard this claim of *right* as uſurpation, and will urge, that it has neither been conferred by JESUS CHRIST, nor delegated by the people. Our Saviour expreſsly declares, *My kingdom is not of this world:* and his religion was perſecuted and oppreſſed, during the period of its greateſt purity and perfection, and when the miniſters of it had gifts and powers which are now unknown. The people could not delegate ſuch a right to any man, or body of men: for the human mind is ſo mutable, that no individual can fix a ſtandard of his own faith, much leſs can he commiſſion another to eſtabliſh one for him and his poſterity. And this power would in no hands be ſo dangerous, as in thoſe of the ſtateſman or prieſt, who has the folly and preſumption to think himſelf qualified to exerciſe it.

Philocles, by his ſilence, ſeemed to acquieſce in what I had advanced: and when I apologized afterwards for the interruption which I had more than once occaſioned to the methodical diſcuſſion of the ſubject in debate, he very politely replied, that the freedom of converſation admits not of a rigid adherence to the preciſe rules of ſyſtem. But were it otherwiſe, ſaid he, the mind is relieved from wearineſs, and animated to more attention by ſeaſonable digreſſions, if not too long, or too often repeated. That I am not averſe to enter into them myſelf, you may already have obſerved, and will now find, by my recalling to Sophron's memory the diſpute between

the Apoſtles Paul and Peter; and deducing from it an argument in favour of the truth of Chriſtianity. It is obvious, I think, from this incident, that there was no combination to deceive mankind amongſt the firſt preachers of the Goſpel; and that if, on ordinary occaſions, they were actuated by the common weakneſſes and prejudices of human nature, they neither attempted to conceal nor to extenuate them. With the ſimplicity of truth they related facts as they occurred, whether advantageous or otherwiſe to their characters. And every unprejudiced judge will diſcover, in the records of the Goſpel, ſuch internal marks of fidelity, as no other hiſtory, either of ancient or modern periods, can diſplay. Juſtly, therefore, may we apply to the writings of the Evangeliſts that maxim of Cicero, *Quis neſcit primam eſſe hiſtoriæ legem, ne quid falſi dicere audeat; deinde, ne quid veri non audeat?**

—— A pauſe enſued, and the converſation ſeemed to be concluded. But Sophron taking up Locke's Eſſay on the Human Underſtanding, which happened to lie on the table before him, read the diſtinction which that author makes between moral and metaphyſical truth. This ſuggeſted freſh matter of diſcuſſion, and gave riſe to a variety of obſervations on the danger of error, and on the conduct of reaſon in our intellectual purſuits. Philocles particularly enlarged on the pernicious conſequences of ſupporting FALSE OPINIONS, for the ſake of argument, in public or private diſputations; and repreſented this practice

* Cicero de Oratore, lib. ii.

as one great ſource of ſcepticiſm and infidelity amongſt literary men.* The imagination, ſaid he, is ſtruck with novelty; it appears honourable to ſhake off the fetters of vulgar prejudice; and pride is doubly gratified by the humiliation of an opponent, and the triumph over authority. Thus the paſſions become engaged on the ſide which the ſceptic eſpouſes; ſophiſtry is miſtaken for ſound logic; he becomes enamoured of diſcoveries, made by his ſuperior penetration; and the ſingularity of his notions or principles, which would create doubt and heſitation in a wiſe man, tends only to ſtrengthen his conviction of their certainty. Milton, deſcribing the character of Belial, one of the fallen angels, ſays, in emphatic language,

- - - - - - - - - - - - - - - "His tongue
"Dropp'd manna, and could make the worſe appear
"The better reaſon, to perplex and daſh
"Matureſt counſels."†

Does not the philoſopher's maxim, ſaid Sophron, *Nullius jurare in verba magiſtri*, ſeem to recommend a ſtrict ſcrutiny into every ſubject? And what more judicious method can be deviſed, of correcting our prejudices, in favour of an eſtabliſhed opinion, than by ſetting ourſelves boldly in oppoſition to it?

Would you free yourſelf, Sophron, from a trifling malady, by incurring a ſevere and dangerous one? Then, urged Philocles, you may correct a ſlight prejudice by adopting another that is greater. In our

* See Appendix, ſect. vi.

† Paradiſe Loſt, book ii. l. 912.

inquiries into truth, we ought to diveſt ourſelves, as much as poſſible, of every prepoſſeſſion. But it is ſurely a reaſonable deference to the judgment of the public, concerning any doctrine or opinion, that we ſhould firſt examine with attention the arguments in its favour, before we admit the objections which may be raiſed againſt it. And by this method the mind will be leaſt unfairly biaſſed in her deciſions, and will reſt on them with a degree of confidence and ſatisfaction, which can never reſult from partial or prejudiced inveſtigation. Young men of lively parts and acute underſtandings, when they enter upon the field of controverſy, are ſometimes ſo proud of their polemic ſkill, as to engage indiſcriminately on any ſide of the queſtion in debate. This is a dangerous practice, and cenſured even by Socrates himſelf; whoſe labours were devoted to the diſcuſſion of truth, and the detection of error. "If thou continueſt to take "delight in idle argumentation," ſaid he to Euclides, "thou mayeſt be qualified to combat with the ſo-"phiſts, but wilt never know how to live with men." And Lord Bacon, the great luminary of ſcience, appears to have entertained ſimilar ideas; for, ſpeaking of the logic of Ariſtotle, he terms it, "a philoſophy "for contention only, but barren in the production "of works for the benefit of life."* Many lamentable proofs have I ſeen of the tendency of this habit of altercation to create indifference, not only to intellectual, but alſo to moral and religious truth. Cato,

* Biog. Brit. vol. i. ſecond edit. p. 449.

the cenſor, propheſied the ruin of the Roman conſtitution, whenever this ſort of learning ſhould become the faſhionable ſtudy of his countrymen. He conceived his diſlike to it on the following occaſion. "In "the year of Rome 599, the Athenians ſent three "of their principal philoſophers on an embaſſy to "the republic. At the head of theſe was Carneades, "a very celebrated leader of the academic ſect. While "he was waiting for an anſwer from the ſenate, he "employed himſelf in diſplaying his talents in the "art of diſputation: and the Roman youth flocked "round him in great numbers. In one of theſe "public diſcourſes he attempted to prove, that *juſtice "and injuſtice depend altogether on the inſtitutions of "civil ſociety, and have no foundation in nature.* The "next day, agreeably to the manner of that ſect, and "in order to ſet the arguments on each ſide of the "queſtion in full view, he ſupported with equal "eloquence the reverſe of his former propoſition. "Cato was preſent at both theſe diſputations; and "and being apprehenſive that the moral principles "of the Roman youth might be ſhaken, if they ſhould "become converts to this mode of philoſophizing, "he was anxious to prevent its reception; and did "not reſt till he had prevailed with the ſenate to diſ-"miſs the ambaſſadors with their final anſwer."*

Perhaps the verſatile opinions and principles of the Jeſuits may be aſcribed to this cauſe; for I have been informed by ſeveral of them with whom I have con-

* Plut. in Vit. Caton. Melmoth's Cato, p. 190.

verſed, that their academical exerciſes are chiefly directed to make them ſubtle diſputants. How far the ſame obſervation may be applicable to the members of a learned profeſſion, highly reſpected in this country, I will not preſume to determine. But there is too much reaſon to apprehend, that the cuſtom of pleading for any client, without diſcrimination of right or wrong, muſt leſſen the regard due to thoſe important diſtinctions, and deaden the moral ſenſibility of the heart.*

I have been too ſtrongly impreſſed with the love of truth, replied Sophron, to debate with indifference about it; and therefore, to guard againſt deception, from "what the nurſe and what the prieſt have "taught," I would examine my moſt ſerious opinions, and try whether I cannot, by direct oppoſition, or by the teſt of ridicule, invalidate their authority.

I have already given you my reaſons againſt this practice, anſwered Philocles; and I could enforce them by many examples of the pernicious conſequences of it, which have fallen under my obſervation. But private hiſtory is invidious; and I ſhall therefore confine myſelf to a few caſes of public notoriety. The academy of Dijon many years ago propoſed the following whimſical prize-queſtion, viz. "Whether the "ſciences may not be deemed more hurtful than be-"neficial to ſociety?" M. Rouſſeau became a candidate for the laurel, and aſſumed the affirmative ſide of the queſtion; probably becauſe it furniſhed him

* See Appendix, ſect. vii.

with a better opportunity of displaying his genius and powers of persuasion.* His discourse was received with the highest applause; he became the dupe of his own rhetoric, and adopted as a philosopher the maxims which he had delivered as an orator. From this period commenced his fame, his paradoxes, and his misfortunes.† He combated the common sense of mankind with all the zeal of a reformer; and his writings proved like the bubble which glitters, expands, and bursts in the sun-shine: they were dazzling, empty, and soon forgotten. I am inclined to suspect that Machiavel's Prince, the Fable of the Bees, and other productions of this nature, originated from causes somewhat similar to those which gave rise to the chimeras of Rousseau. And it is said that a celebrated adversary of Christianity, by yielding up his judgment and imagination to a particular set of arguments, became successively a Protestant, a Papist, and an Infidel.‡

But permit me, Sophron, to suggest to you a caution of still higher importance, which regards such of your intellectual pursuits as relate to the Deity. Religion may be considered both as a speculative science, and as a practical principle. In the former view, it constitutes the sublimest object of the understanding, and the most interesting topic of rational investigation:

* "*Major est ille qui judicium abstulit, quam qui meruit.*"—Cic. "*Nescio quomodo, dum lego assentior, cum posui librum, assensio* "*omnis illa elabitur.*"—Idem. † Helvetius.

‡ See an account of Mr. Tindal, in the British Biography, vol. ix. p. 314.

In the latter, it is a ſpring of motion, and excites all the devout affections of veneration, gratitude, and love. When you contemplate as a philoſopher the character of the Divine Being, you muſt be ſtruck with reverence at the proofs which offer themſelves of his boundleſs power, univerſal preſence, and infinite duration: and theſe attributes, reflecting dignity and luſtre on the more amiable perfections of his nature, will heighten the impreſſion made by the relation which He ſtands in to you, as your Creator, Benefactor, and Friend. Thus the principle of piety will ſubſiſt in your mind in its full force, ſupported by the authority of reaſon, and harmonizing with all the feelings of your heart. But if you deſcend from theſe general and exalted views of the Divine Being into minute diſquiſitions concerning his eſſence, the freedom of his agency, and other ſubtilties beyond the human ken, you will ſoon damp the ardour of devotion in your breaſt; and ſhould you make theſe inquiries the common matter of academical diſputation, or of familiar debate, the ſacred flame will be extinguiſhed altogether.* The poet lately quoted has deſcribed ſome of the fallen angels, who had been driven from heaven for impiety and rebellion, as "ſitting on a hill retired, and reaſoning high"

"Of Providence, foreknowledge, will, and fate;
"Fix'd fate, free-will, foreknowledge abſolute;
"And found no end, in wand'ring mazes loſt."†

* See Dr. Gregory's Comparative View, and Mrs. Barbauld on Devotional Taſte.

† Milton's Paradiſe Loſt, book ii. l. 559.

I mean not, however, to condemn indiſcriminately all metaphyſical reſearches of this kind. It is natural for men of a ſpeculative turn to extend their views of theology beyond the clear limits either of reaſon or of revelation: and if their inquiries be conducted with that humility and reverence which ſuch ſubjects ſhould inſpire, they may tend to invigorate the underſtanding without depraving the heart. The example of Locke, Newton, Clarke, Hartley, and other diſtinguiſhed philoſophers, affords ſufficient confirmation of this truth; and at the ſame time evinces a ſtill more pleaſing and important one, that religion numbers, amongſt her votaries, men who have dignified and adorned human nature by their genius, virtue, and learning. I would particularly recommend to your notice, Sophron, I need not ſay to your imitation, the conduct of Mr. Boyle, who had ſo profound a veneration for the Deity, that the name of GOD was never mentioned by him without a pauſe in his diſcourſe.* This great philoſopher alſo had ſuch delicate notions of veracity, and was ſo ſenſible of the imperfection of human knowledge, even when derived from experiment, that in the preface to his Eſſays he makes an apology for the frequent uſe of the words *perhaps*, *it ſeems*, *'tis not improbable*, as implying a diffidence of the juſtneſs of his opinions: and this diffidence aroſe, as he informs us, from repeated obſervation, that what pleaſed him for a while, was afterwards diſgraced by ſome further or more recent diſcovery.

* Britiſh Biography, vol. vi. p. 248.

Here Philocles was interrupted by the arrival of a ſtranger, whoſe preſence put an end to the converſation.

ON THE

INFLUENCE

OF

HABIT and ASSOCIATION.

- - - - - - - - "VIRESQUE ACQUIRIT EUNDO."

VIRGIL.

- - - - - - - - - - - - "ANGIT,

"IRRITAT, MULCET, FALSIS TERRORIBUS IMPLET."

HOR. Ep. I. lib. ii.

MISCELLANEOUS

OBSERVATIONS

ON THE INFLUENCE OF

HABIT AND ASSOCIATION.

SECTION I.

THE laws of HABIT and ASSOCIATION form a moſt important branch both of phyſiology and of ethics. And as *the proper ſtudy of mankind is man*, every fact muſt be deemed intereſting, which tends to elucidate either the animal, intellectual, or moral œconomy of his nature. The following obſervations have a reference to one or other of theſe objects. But no particular regard has been paid to ſyſtem in the arrangement of them: and I have attempted only, as Lord Verulam expreſſes it, "to write certain brief "notes, ſet down rather ſignificantly than curiouſly."

I. MUSCULAR ACTIONS, perfectly ſpontaneous, may be excited without apparent volition, ſo as to become completely automatical, by the recurrence of thoſe impreſſions with which they have been long aſſociated. I ſhall give a ſtriking example of the truth of this propoſition.

Several years ago the Counteſs of **** fell into an apoplexy, about ſeven o'clock in the morning. Amongſt other ſtimulating applications, I directed a feather dipped in hartſhorn to be frequently introduced into her noſtrils. Her Ladyſhip, when in health, was much addicted to the taking of ſnuff; and the preſent irritation of the olfactory nerves produced a junction of the fore-finger and thumb of the right hand, the elevation of them to the noſe, and the action of ſnuffing in the noſtrils. When the ſnuffing ceaſed, the hand and arm dropped down in a torpid ſtate. A freſh application of the ſtimulus renewed theſe ſucceſſive efforts; and I was a witneſs to their repetition till the hartſhorn loſt its power of irritation, probably by deſtroying the ſenſibility of the olfactory nerves. The Counteſs recovered from the fit about ſix o'clock in the evening; but though it was neither long nor ſevere, her memory never afterwards furniſhed the leaſt trace of *conſciouſneſs* during its continuance.

Does not this inſtance of a complex ſeries of actions, ordinarily ſpontaneous, in circumſtances which ſeem to preclude both volition and conſciouſneſs, reflect ſome light on the obſcure queſtion concerning the ſleep of the ſoul, ſo much agitated in the time of Mr. Locke? Is not the opinion of this celebrated philoſopher confirmed by it, that the perception or contemplation of ideas is to the mind what motion is to the body, not its eſſence but one of its operations: and that an unceaſing energy of the underſtanding

and the will is the ſole prerogative of that infinitely-perfect Being, who, according to the language of the Pſalmiſt, *never ſlumbers or ſleeps*.

II. Slight PARALYTIC AFFECTIONS of the organs of ſpeech ſometimes occur without any correſpondent diſorder in other parts of the body. In ſuch caſes the tongue appears to the patient too large for his mouth, the ſaliva flows more copiouſly than uſual, and the vibratory power of the *glottis* is ſomewhat impaired. Hence the effort to ſpeak ſucceeds the volition of the mind ſlowly and imperfectly; and the words are uttered with faltering and heſitation. Theſe are facts of common notoriety: but I have never ſeen it remarked, that in this local palſy the pronunciation of PROPER NAMES is attended with peculiar difficulty; and that the recollection of them becomes either very obſcure, or entirely obliterated; whilſt that of perſons, places, things, and even of abſtract ideas, remains unchanged. Such a partial defect of memory, of which experience has furniſhed me with ſeveral examples, confirms the theory of aſſociation, and at the ſame time admits of an eaſy ſolution by it. For as words are arbitrary marks, and owe their connection with what they import to eſtabliſhed uſage, the ſtrength of this connection will be exactly proportioned to the frequency of their recurrence; and this recurrence muſt be much more frequent with generic than with ſpecific terms. Now proper names are of the latter claſs; and the idea of a perſon or place may remain vivid in the mind, with-

out the leaſt ſignature of the appellative which diſtinguiſhes each of them. It is certain alſo that we often think in words; and there is probably at ſuch times ſome ſlight impulſe on the organs of ſpeech, analogous to what is perceived when a muſical note or tune is called to mind. But a leſion of the power of utterance may break a link in the chain of aſſociation, and thus add to the partial defect of memory now under conſideration.

The following very curious fact I have received from unqueſtionable authority. Mr. S———, a Welchman by birth, and miniſter of a congregation at W——, had a paralytic ſtroke in 1783, at the age of ſixty, which deprived him entirely of the power of ſpeaking Engliſh, after he had preached in that language thirty or forty years. He could ſtill converſe in the Welſh tongue with facility, and continued to underſtand thoſe who ſpoke to him in Engliſh, though he was unable to make any reply in the ſame language.

III. Dr. Willis relates the ſtory of an IDEOT, who, reſiding within the ſound of a clock, regularly amuſed himſelf with counting aloud the hour of the day, whenever the hammer of that inſtrument ſtruck: but being afterwards removed to a ſituation where there was no clock, he retained the former impreſſions ſo ſtrongly, that he continued to diſtinguiſh the ordinary diviſion of time, repeating at the end of every hour the preciſe number of ſtrokes which the clock would have ſtruck at that period.* Mr. Addiſon

* Willis *De Anima Brutor.* pars i. cap. xvi. p. 85.

has quoted this fact in one of the Spectators, not from the original, but from Dr. Plott's History of Staffordshire; and has deduced from it many important moral reflections. Whatever may be thought of the authenticity of this narrative, an instance has lately occurred within the circle of my own observation somewhat similar, and which no less clearly evinces the power of habit to renew former mechanical impressions, independently of any external cause.

Mr. W—— had been long confined to his chamber, by a palsy and other ailments. Every evening about six o'clock he played at cards with some of the family. He was seized in June, 1780, at three o'clock in the afternoon, with a fit, which terminated in despiency. At the stated hour of card-playing, he fancied himself to be engaged in his usual game; talked of the cards as if they were in his hand; and was very angry at his daughter when she endeavoured to rectify his mistaken imagination. His fatuity was of short continuance; but when recovered from it, he expressed no recollection of what had passed.

IV. A celebrated French writer* has remarked, that "the greater degree of sagacity any one is master of, "the more ORIGINALS will he discover in the cha- "racters of mankind." This *originality* may doubtless depend on the primary constitution of the mind; but I am persuaded also, that it is often the result of particular associations. When these are unnatural or inordinate, they produce partial alienations of the

* Paschal.

underſtanding: and to this ſource we may trace the viſions of enthuſiaſm, the perſecuting zeal of bigotry, the ſanguinary honour of duelling, the ſordid purſuits of avarice, and the toilſome ſolicitudes of ill-directed ambition. Theſe and numberleſs other quixotiſms of the mind give the phantoms of imagination an aſcendancy over reaſon, and produce a temporary inſanity, varying according to its object, degree, and duration. If the predominant train of ideas be foreign to the offices of life, there will be little chance of breaking the magic combination; and the habitual indulgence of this tyranny of paſſion, or fancy, will at laſt render it fixed and uncontrollable.

According to Shakeſpeare, "the lunatic, the lover, "and the poet, are of imagination all compact." But as our great dramatiſt obſerves, on another occaſion, "'twere to conſider too curiouſly to conſider "ſo.*" At leaſt, we ſhould reſtrict our concluſions, that they may not involve ſo large a portion of mankind, as to injure the honour even of human nature itſelf. Beſides, paſſion is the ſpring of the mind, which gives vigour and energy to all its movements: and, if not extravagantly diſproportionate to the value of its object, it may be indulged, not only with innocence, but ſometimes even with ſingular advantage. For, the ardour inſpired by it is the ſource of all that is excellent in genius, and ſublime in conduct: and without the ſalutary aid of this ſpecies of enthuſiaſm, we ſhould ſink into a ſtate of torpid apathy.

* Hamlet.

But though it be difficult to define the precise boundaries of rationality, it can neither be denied, nor concealed, that partial insanity may subsist with general intelligence. A few years since, a gentleman came from Buxton to Manchester to consult me. He had been sent by his physician to use the bath, and to drink the waters of that place: but some gouty symptoms supervening, he was unwilling to proceed in the course enjoined him, without further advice. I received from him a well-connected, minute, and rational account of his complaint; and after giving such directions as the case seemed to require, I arose to take my leave of him. He desired me to sit down again, and told me he had lately read the MORAL TALES, which I had published; and from a little experiment related in one of them, hoped that I had made the nature of sound a particular object of my study. I have a friend, continued he, who is constantly tortured, whenever he travels, with the most distracting noise in his ears; a noise produced by an instrument in the possession of his implacable enemy. On expressing my disbelief of the possibility of such a fact, he averred the truth of it with much emotion; informed me that he was himself the sufferer; described, in the most lively manner, the acute pains which he felt in his ear; and charged the bishop of ——, in consequence of a family quarrel, with being the author of them. I was now fully aware of my patient's mental infirmity, and instead of attempting to reason with him about the delusion of his imagi-

nation, I tried to ſooth him with the hope that the biſhop of ——, whom I had the honour of perſonally knowing, might be prevailed with to diſcontinue the exerciſe of ſo extraordinary a power of torture. But finding it impoſſible to give him comfort by inſpiring expectations, which he rejected as groundleſs and abſurd, I had the good fortune to ſuggeſt a mode of relief that perfectly coincided with his own ideas. The painful impreſſion, ſaid I, produced by the biſhop on your ear, muſt conſiderably depend upon the ſtate of that organ; and if you can diminiſh its ſenſibility, and deaden the vibrations of the tympanum, you may again be reſtored to ſome degree of eaſe and enjoyment. A little olive oil poured twice or thrice every day into your ears will, in all probability, completely anſwer theſe purpoſes; if it do not, a ſmall quantity of opium may be combined with it. He liſtened to me with eager attention; joy ſparkled in his eyes at the ſuggeſtion of a remedy, which excited his hope and confidence; and I left him under the moſt happy conviction, that he might now ſet his ideal enemy at defiance.

This caſe recalls to my memory the very ſingular and affecting one of Mr. Simon Browne, of which it may not be unſeaſonable to give a ſhort recital. He was a diſſenting clergyman of exemplary life, and eminent intellectual abilities; but having been ſeized with melancholy, he deſiſted from the duties of his function, and could not be perſuaded to join in any act, either of public or of private worſhip. The

reaſon which, after much importunity, he aſſigned for this change in his conduct, was, "that he "had fallen under the diſpleaſure of GOD, who "had cauſed his rational ſoul gradually to periſh, "and left him only an animal life, in common with "brutes: that it was therefore profane in him to "pray, and improper to be preſent at the prayers of "others." In this opinion he remained inflexible, at the time when all the powers of his mind ſeemed to ſubſiſt in full vigour; when his judgment was clear, and his reaſoning ſtrong and concluſive. For at this period he publiſhed a defence of the *Religion of Nature*, and of the *Chriſtian Revelation*, in anſwer to *Tindal's Chriſtianity as old as the Creation:* and the work is univerſally allowed to be the beſt which that celebrated controverſy produced. But in a dedication of it to Queen Caroline, which ſome of his friends found means to ſuppreſs, he diſplays the very extraordinary phrenſy under which he laboured. Speaking of himſelf, he informs her Majeſty, "that "by the immediate hand of an avenging GOD, his "very thinking ſubſtance has, for more than ſeven "years, been continually waſting away, till it is "wholly periſhed out of him, if it be not utterly "come to nothing."

This remarkable and humiliating example of vigour and imbecility, rectitude and perverſion of the ſame underſtanding, I have related on the authority of Dr. Hawkeſworth,* who has preſerved the entire

* See the Adventurer.

copy of the dedication, from which only a brief extract is here made. Our ignorance of the hiſtory of Mr. Browne renders it impoſſible to trace to its ſource this mental malady. But there is reaſon to preſume, that it originated from ſome ſtrong impreſſion, and ſubſequent invincible aſſociation, connected with, or perhaps producing, a change in the organization of the brain. Perhaps, having acquired an early predilection for the writings of Plato, he might afterwards, in ſome ſeaſon of hypochondriacal dejection, fall into the gloomy myſticiſm of the later followers of that amiable philoſopher: for Plotinus, who flouriſhed in the third century after the Chriſtian æra, taught that the moſt perfect worſhip of the Deity conſiſts, not in acts of veneration and of gratitude, but in a certain ſelf-annihilation, or total extinction of the intellectual faculties.*

I am inclined to believe, that the celebrated M. Paſchal laboured under a ſpecies of inſanity, towards the concluſion of his life, ſimilar to that of Mr. Simon Browne: and having hazarded ſuch a ſurmiſe, it is incumbent on me to ſhew on what it is founded. This very extraordinary man diſcovered the moſt aſtoniſhing marks of genius in his childhood; and his progreſs in ſcience was ſo rapid, that at the age of ſixteen he wrote an excellent treatiſe of Conic Sections. He poſſeſſed ſuch a capacious and retentive memory, that he is ſaid "never to have for-

* See Collier's Hiſt. Dict. Alſo, Maclaurin's Account of Sir Iſaac Newton's Diſcoveries, p. 397.

" gotten any thing which he had learned." And it was his practice to digeſt and arrange in his mind a whole ſeries of reflections before he committed them to writing. This power was at once ſo accurate and extenſive, that he has been heard to deliver the entire plan of a work, of which he had taken no notes, in a continued narration, that occupied ſeveral hours. But it is related by the editor of his *Thoughts on Religion and other ſubjects*,* " that it pleaſed GOD ſo to " touch his heart, as to let him perfectly underſtand, " that the Chriſtian religion obligeth us to live for " GOD only, and to propoſe to ourſelves no other ob- " ject." In conſequence of this perſuaſion, he renounced all the purſuits of knowledge, and practiſed the moſt ſevere and rigorous mortifications ; living in the greateſt penury, and refuſing every indulgence which was not abſolutely neceſſary for the ſupport of life. It appears from ſome of his pious meditations, that this reſolution of mind proceeded from the viſitation of ſickneſs. And the following ſolemn addreſſes to the Deity clearly indicate an imagination perverted by the moſt erroneous aſſociations:—

" O LORD, Thou gaveſt me health to be ſpent in " ſerving Thee, and I applied it to an uſe altogether " profane. Now Thou haſt ſent ſickneſs for my " correction.—I know, O LORD, that at the inſtant " of my death, I ſhall find myſelf entirely ſeparated " from the world, ſtripped naked of all things, ſtand- " ing alone before Thee, to anſwer to thy juſtice

* See the Preface to that Work.

"concerning all the motions of my thoughts and "ſpirits. Grant that I may look on myſelf as dead "already, ſeparated from the world, ſtripped of all "the objects of my paſſion, and placed alone in thy "preſence. I praiſe Thee, O GOD, that Thou haſt "been pleaſed to anticipate the dreadful day, by "already deſtroying all things to my taſte and "thoughts, under this weakneſs, which I ſuffer from "thy providence. I praiſe Thee, that Thou haſt "given me this divorce from the pleaſures of the "world." Was it conſonant with ſoundneſs of underſtanding, for a man to take a ſudden diſguſt at all the liberal ſtudies, and innocent enjoyments, which had before engaged and gratified his mind? And was it not as much the fiction of a diſtempered fancy, that GOD enjoined poverty, abſtinence, and ignorance, to one poſſeſſing rank, fortune, and the nobleſt endowments of the mind; as the belief of Simon Browne, that he was diveſted of that rationality, which at the ſame time he ſo eminently diſplayed? Whenever falſe ideas, of a practical kind, are ſo firmly united as to be conſtantly and invariably miſtaken for truths, we very juſtly denominate this unnatural alliance INSANITY. And if it give riſe to a train of ſubordinate wrong aſſociations, producing incongruity of behaviour, incapacity for the common duties of life, or unconſcious deviations from morality and religion, MADNESS has then its commencement.

In the foregoing examples, the force of habit and aſſociation is clearly manifeſt; and man, whilſt under

the influence of their authority, however deſpotic or perverted, ſtill retains a capacity for action and enjoyment, though he ceaſes to be a rational or moral agent. But the ſuſpenſion of their operation ſtops at once all the movements of the mind, and ſeems to annihilate every energy of the underſtanding, the affections, and the will. On the 25th of October, 1778, a ſea-faring perſon, about forty years of age, was recommended as a patient to the Lunatic Aſylum in York.* During his abode in the hoſpital, he was never obſerved to expreſs any deſire for ſuſtenance, or to ſhew any preference of it to his medicines. The firſt ſix weeks after his admiſſion, he was fed in the manner of an infant; a ſervant undreſſed him at night, and dreſſed him in the morning; after which he was conducted to his ſeat in the common parlour, where he remained all day, with his body bent, and his eyes fixed upon the ground. Every thing was indifferent to him; and he was regarded by all about him as endued with little more than vegetable life. In this ſtate of inſenſibility he remained five years and ſix months. But, the 14th of May, 1782, on his entrance into the parlour, he ſaluted the convaleſcents with the words, *Good-morrow to you all.* He then thanked the ſervants of the houſe in the moſt affectionate manner for their tenderneſs to him, of which he had begun to be ſenſible ſome weeks before,

* This caſe was lately tranſmitted to me, by my friend Dr. Hunter, of York, to be communicated to the Literary and Philoſophical Society of Mancheſter. I have given only an abridgment of it.

but till then had not reſolution to expreſs his gratitude. A few days after this unexpected recovery, he was permitted to write a letter to his wife, in which he expreſſed himſelf with becoming propriety. At this time he ſeemed to take peculiar pleaſure in the enjoyment of the open air, and in his walks converſed with freedom and ſerenity. On making inquiry concerning what he felt during the ſuſpenſion of his intellectual and ſenſitive powers, he replied, that his mind had been *totally loſt*; but that about two months before his full reſtoration to himſelf, he began to have thoughts and ſenſations, which at firſt ſerved only to excite in him fears and apprehenſions, eſpecially in the night-time. On the 28th of May, 1782, he returned to his family, and has now the command of a ſhip employed in the Baltic trade.

SECTION II.

I. IT is highly inſtructive, as well as curious, to contemplate the progreſſive influence of particular aſſociations on the affections and the judgment, as they gradually acquire the force of habit by time, and vividneſs by frequent renewal. Dr. Swift, in a letter to Lord Bolingbroke, dated 1729, expreſſes himſelf in the following terms: "I remember, when "I was a little boy, I felt a great fiſh at the end of "my line, which I drew up almoſt on the ground, "but it dropt in, and the diſappointment vexes me "to this very day, and I believe it was the type of "all my future diſappointments." This little incident, perhaps, gave the firſt wrong bias to a mind prediſpoſed to ſuch impreſſions; and by operating with ſo much ſtrength and permanency, it might poſſibly lay the foundation of the Dean's ſubſequent peeviſhneſs, paſſion, miſanthropy, and final inſanity. The quickneſs of his ſenſibility furniſhed a ſting to the ſlighteſt diſappointment; and pride feſtered thoſe wounds which ſelf-government would inſtantly have healed. As children couple hobgoblins with darkneſs, every contradiction of his humour, every obſtacle to his preferment, was by him aſſociated with ideas of malignity and evil. By degrees, he acquired a

contempt of human nature, and a hatred of mankind, which, at laſt, terminated in the total abolition of his rational faculties.

This is no exaggerated picture, and we have the Dean's own authority for its accuracy. "The chief "end," ſays he, in a letter to Mr. Pope, "I propoſe "to myſelf in all my labours, is to vex the world, "rather than divert it; and if I could compaſs that "deſign, without hurting my own perſon or fortune, "I would be the moſt indefatigable writer you have "ever ſeen. I have ever hated all nations, profeſ- "ſions, and communities; and all my love is towards "individuals. For inſtance; I hate the tribe of "lawyers, but I love Counſellor ſuch a one, and "Judge ſuch a one. 'Tis ſo with phyſicians, (I will "not ſpeak of my own trade,) ſoldiers, Engliſh, "Scotch, French, and the reſt. But principally I "hate and deteſt that animal called man, although "I heartily love John, Peter, Thomas, and ſo forth. "This is the ſyſtem upon which I have governed "myſelf many years, (but do not tell,) and ſo I ſhall "go on till I have done with them."*

This letter is not written in a ſtrain which will ſuffer the moſt indulgent critic to aſcribe it to jocularity. And in the epitaph which the Dean compoſed for himſelf long afterwards, and which is inſcribed on his monument in the cathedral of St. Patrick's, he has left a ſolemn and deciſive memorial of his miſanthropy.

* Pope's Works, vol. ix. lett. 2.

HIC DEPOSITUM EST CORPUS
JONATHAN SWIFT, S. T. P.
UBI SÆVA INDIGNATIO
ULTERIUS COR LACERARE NEQUIT,
&c.

The ſtrongeſt tint in the complexion of the human character may be ſometimes formed by a circumſtance or event apparently caſual; which, by forcibly impreſſing the mind, produces a laſting aſſociation, that gives an uniform direction to the efforts of the underſtanding, and the feelings of the heart.

Dr. Conyers Middleton, one of the moſt learned, various, and elegant writers of the preſent age, is ſaid to have been much more addicted, in the early part of his life, to muſic than to ſcience. But he was rouſed from his favourite amuſement, and ſtimulated to the cloſeſt application to ſtudy, by a ſarcaſm of his rival and enemy, the celebrated Dr. Bentley, who ſtigmatized him with the name of fidler.* And indignation made him eager to convince the Doctor and the world that he could *write* as well as *fiddle*; a conviction, of which his opponent had afterwards the moſt painful experience.†

The author of the *Night Thoughts*, a poem which contains the tendereſt touches of nature and paſſion, and the ſublimeſt truths of morality and religion, intermixed with frivolous conceits, turgid obſcurities, and gloomy views of human life, wrote that work under the recent preſſure of ſorrow for the loſs of his

* Gent. Mag. 1773, page 387. † Britiſh Biog. vol. ix.

wife, and of a ſon and daughter-in-law, whom he loved with paternal tenderneſs. Theſe ſeveral events happened within the ſhort period of three months, as appears from the following apoſtrophe to death:

"Inſatiate archer! could not *one* ſuffice?
"Thy ſhaft flew *thrice*; and *thrice* my peace was ſlain;
"And *thrice*, ere *thrice* yon moon had fill'd her horns."*

But though time alleviated this diſtreſs, his mind, probably, acquired from it a tincture of melancholy, which continued through life, and caſt a ſable hue even on his very amuſements. The like diſpoſition alſo diſcovered itſelf in his rural improvements. He had an alcove in his garden, ſo painted as to ſeem at a diſtance furniſhed with a bench or ſeat, which invited to repoſe; and when, upon a nearer approach, the deception was perceived, this motto at the ſame time preſented itſelf to the eye—

Inviſibilia non decipiunt.

The things unſeen do not deceive us.†

The following witty alluſion bears the marks of a ſimilar turn of thought. The Doctor paid a viſit to Archbiſhop Potter's ſon, then rector of Chiddinſtone, near Tunbridge. This gentleman lived in a country, where the roads were deep and miry; and when Dr. Young, after ſome danger and difficulty, arrived at his houſe, he inquired, "Whoſe field is that which I "have croſſed?" 'It is mine,' anſwered his friend.

* Night Thoughts.

† Britiſh Biography, vol. ix.

"True," ſaid the Poet, "*Potter's field, to bury "ſtrangers in.*"*

II. It is a very important office of education to guard the underſtanding againſt the union of ideas which have no natural or proper connection. Yet this object is leſs attended to than any other; and we often find men diſtinguiſhed for genius, erudition, and even ſtrength of mind, warped by the falſe conceptions, and governed by the prejudices of puerility. Credulouſneſs is the concomitant of the firſt ſtages of life; and is indeed the principle on which all inſtruction muſt be founded. But it lays the mind open to impreſſions of error, as well as of truth: and when ſuffered to combine itſelf with that paſſion for the marvellous which all children diſcover, it foſters the rankeſt weeds of chimera and ſuperſtition; rooting firmly in the mind *all that the nurſe, and all the prieſt have taught.* Hence the awful ſolemnity of *darkneſs viſible*, and of what the poet has denominated *a dim religious light:* together with the terrors of evil omens, of haunted places, and of ghaſtly ſpectres:

"Of calling ſhapes, and beckoning ſhadows dire;
"And airy tongues, that ſyllable men's names
"On ſands, and ſhores, and deſert wilderneſſes."†

Hiſtory preſents us with few characters ſuperior to thoſe of Henry the Fourth of France, and his prime miniſter the Duke of Sully. But notwithanding the wiſdom, knowledge, and diſcernment of theſe great

* Gent. Mag. July 1781, p. 319. † Milton's Comus.

men, they appear on ſeveral occaſions to have been actuated by their juvenile aſſociations in favour of aſtrology. What can be more foreign to the events of human life, what leſs adapted to excite fear or hope in the mind of an intelligent man, than the aſpect of a diſtant ſtar, or the variegated lines of his hand? Yet Sully confeſſes, that an early prepoſſeſſion had made him weak enough to give credit to predictions derived from this fanciful origin: and though he informs us that the king, his maſter, was of opinion religion ought to inſpire a contempt of ſuch prophecies, the converſation which he relates at the ſame time, evidently betrays Henry's confidence in them. This matter is put beyond diſpute by an incident which occurred ſoon after the birth of the Dauphin; the particulars of which I ſhall recite from the memoirs of this excellent writer.

"La Riviere was the king's firſt phyſician,* a man "who had little more religion than thoſe generally "poſſeſs who blend it with judicial aſtrology. Henry "already felt a tenderneſs for his ſon, which filled him

* It ſhould ſeem that aſtrology was conſidered formerly as an eſſential part of the learning of a phyſician; for Chaucer, in the prologue to the Canterbury Tales, has thus characterized him:

"With us there was a doctor of phyſik,
"In al the worlde was ther non hym lyk,
"To ſpeke of phyſik and of ſurgerye;
"For he was groundit in aſtronomy.
"He kept his pacient a ful gret del
"In hourys by his magyk naturel;
"Wel couth he fortunen the aſcendent
"Of his ymagys for his pacient."

" with an eager anxiety to know his fate; and having
" heard that La Riviere ſucceeded wonderfully in
" his predictions, he commanded him to calculate
" the Dauphin's nativity with all the ceremonials of
" art. To aid this buſineſs, he had carefully ſought
" for the moſt accurate watch which could be pro-
" cured; that the preciſe moment of the prince's
" birth might be exactly aſcertained. About a fort-
" night afterwards, the king and Sully being alone
" together, their converſation turned upon the pre-
" diction of the aſtrologer La Broſſe, concerning his
" majeſty. This renewed Henry's ſolicitude with
" reſpect to his ſon; and he ordered La Riviere to
" be called. 'Monſieur La Riviere,' ſaid the king,
" what have you diſcovered relative to the Dauphin's
" deſtiny?' " I had begun my calculations," replied
" Riviere, " but I left them unfiniſhed, not caring
" to amuſe myſelf any longer with a ſcience which I
" have always believed to be in ſome degree cri-
" minal." The king, diſſatisfied with this anſwer,
" commanded his phyſician to ſpeak freely, and with-
" out concealment, on pain of his diſpleaſure. La
" Riviere ſuffered himſelf to be preſſed ſtill longer;
" but at laſt, with an air of apparent diſcontent, he
" delivered himſelf in the following terms: 'Sire,
" your ſon will complete the common period of
" human life, and will reign longer than you ſhall do;
" but his turn of mind will be widely different from
" yours. He will be obſtinate in opinion, often
" governed by his own whims, and ſometimes by

" thoſe of others. Under his adminiſtration it will " be ſafer to think than to ſpeak. Impending ruin " threatens your former ſociety. He will perform " great exploits, be fortunate in his deſigns, and make " a diſtinguiſhed figure in Europe. There will be a " viciſſitude of peace and war in his time. He will " have children, and after his death affairs will grow " worſe and worſe. This is all you can know from " me,' concluded La Riviere, ' and more than I had " I reſolved to tell you.' His Majeſty and the Duke " of Sully remained a long time together, making re- " flections on the words of the aſtrologer, which left " a ſtrong impreſſion on the mind of the king."

III. Ludicrous Associations, not founded in truth or nature, are peculiarly unfavourable to the principles and practice of virtue and religion. Reaſon, eſpecially during the period of youth, affords but a feeble barrier againſt the attacks of ridicule; and the mind that is enſlaved by its influence, may be ſo far deluded or depraved, as to loſe the ſuſceptibility of good impreſſions, or to contemplate the moſt amiable moral affections with deriſion, ſhame, and even diſguſt,

> - - - - - - - - - - - - - - - " Here ſubdued
> " By frontleſs laughter, and the hardy ſcorn
> " Of old unfeeling vice, the abject ſoul
> " With bluſhes half reſigns the candid praiſe
> " Of temperance and honour; half diſowns
> " A free man's hatred of tyrannic pride;
> " And hears with ſickly ſmiles the venal mouth
> " With foulеſt licence mock the patriot's name."*
>
> * Akenſide's Pleaſures of Imagination, book iii.

The celebrated Dr. Pitcairn was no leſs diſtinguiſhed for wit than learning. It is recorded, that as he paſſed one day along the ſtreets, he beheld the affecting ſpectacle of a maſon killed by the fall, and buried in the ruins, of a chimney, which he had juſt completed. "Bleſſed are the dead who die in the "LORD," ſaid he, "for they reſt from their la- "bours, and their works follow them." Such a humorous conjunction of reſembling yet incongruous ideas probably ſtifled in his breaſt the ſentiments of compaſſion: and I have been informed by a very humane friend, that on the relation of a melancholy event, ſimilar in its circumſtances, the recollection of this ludicrous remark ſubſtituted in his mind emotions of laughter for thoſe of commiſeration.

The natural propenſity of Dean Swift led him to the indulgence of this ſpecies of drollery, very much to the prejudice of every finer feeling of the heart. In one of his letters he laments the mortal illneſs of his amiable friend Arbuthnot; but mixes with his expreſſions of ſorrow certain whimſical reflections, which convert his mourning into grimace. "There "is a paſſage in Bede," ſays he to Mr. Pope, "highly commending the piety and learning of the "Iriſh in that age; where, after abundance of "praiſes, he overthrows them all, by lamenting, that "alas! they kept Eaſter at a wrong time of the "year. So our Doctor has every quality and virtue "that can make a man amiable or uſeful; but *alas!* "he hath *a ſort of ſlouch in his walk*. I pray GOD

"protect him, for he is an excellent Chriſtian, though "not a Catholic."*

When the mind has been long habituated to the aſſemblage of ludicrous ideas, they recur on very improper occaſions, not only ſpontaneouſly, but even in deſpite of every effort of the judgment and the will. In this ſtate, elevation of thought and dignity of character are unattainable; and ſerioufneſs, when aſſumed, is always marked with ſome glaring and riſible inconſiſtency. Swift, in his laſt teſtament, bequeaths three old hats, and other ſtill more trifling and abſurd legacies, with farcical ſolemnity: and the celebrated Hogarth could not help diſplaying traits of humour in his graveſt hiſtorical paintings. I have heard it remarked by one who was ſometimes the companion of his walks, that he would interrupt the moſt intereſting converſation to laugh at any oddity which preſented itſelf, and that his eyes were conſtantly caſt about in ſearch of objects ſingular and diverting. When a man of this turn applies himſelf to books, it is not inſtruction or rational criticiſm, but hilarity, that is his purſuit: and he finds food for his prevailing appetite, equally palatable, both in the beauties and the blemiſhes of his author. For Tully has well obſerved, that the *verbum ardens*, the glowing boldneſs of expreſſion which ſublimity of ſentiment inſpires, may be eaſily rendered ludicrous by an illiberal paraphraſe. Even entire productions of ſome of the beſt writers have been thus miſrepreſented

* Pope's Works, vol. ix. lett. 11.

and deformed, for the purpoſe of merriment, under the title of Traveſties: and the bulk of mankind are readily deceived into the belief that what gives riſe to laughter is in itſelf ridiculous. For this reaſon, a reader of ſenſibility, who has the intereſt of virtue and religion at heart, will peruſe with pain and diſguſt the *Meditations on a Broomſtick, written according to the ſtyle and manner of the Honourable Robert Boyle.** "To what a height," ſays Lord Orrery, "muſt "the ſpirit of ſarcaſm ariſe in an author, who could "prevail upon himſelf to ridicule ſuch a man as Mr. "Boyle! But the ſword of wit, like the ſcythe of "time, cuts down friend and foe, and attacks every "thing that accidentally lies in its way." It muſt be confeſſed, however, that this great and good philoſopher has indulged in his theological writings certain conceits, which will draw a ſmile from his warmeſt admirers. A zeal to promote the habit of pious and moral reflections has ſometimes tempted him to force ideas into the moſt unnatural alliance; and to deduce very important analogies from objects or circumſtances not only incongruous, but low and contemptible. Thus, from the ſtumbling of a horſe in a good road, he infers the danger of proſperity; from being let blood in a fever, he juſtifies the wiſdom of the Deity, in depriving his creatures of ſpiritual ſuperfluities; and from a diſtaſte of the ſyrups preſcribed by his phyſician, he concludes that the good things of life are not objects of envy, becauſe

* Swift's Works, vol. v. p. 372.

not always reliſhed as enjoyments. But I feel a reluctance to point out ſuch trivial exuberances in the works of Mr. Boyle. It is ungenerous to injure the well-earned wreath of laurel which he wears, by faſtidiouſly culling a few ſolitary leaves that are withered. We ſhould remember alſo, that dignity and meanneſs, grace and vulgarity, have, in many inſtances, no fixed ſtandard; and are dependent on certain acceſſary aſſociations, which vary in different countries, at different periods of time, and with different perſons even of the ſame age and place. Jacob is repreſented in the holy ſcriptures, as calling his ſons together before his death, to deliver to each of them his benediction; and in the language of metaphor and prophecy, he ſays, *Iſſachar is a ſtrong aſs, couching down between two burdens:* from which it appears, that this animal was not then regarded as a ſymbol of ſtupidity and inſignificance. Ajax, retreating between two armies, is compared by Homer to the lion for undaunted courage, and to the aſs for ſullen and unyielding ſlowneſs.* But Mr. Pope, in his tranſlation, has omitted the latter alluſion, to accommodate his word to the ſtate of modern opinion. The ſame ſublime poet exhibits the awful uncertainty of victory, in the engagement between the Greeks and Trojans, by the image of a poor woman weighing wool in a pair of ſcales; and Euſtathius ſays it was a tradition, that Homer derived this ſimile from the occupation of his mother, who maintained herſelf by

* Iliad, lib. xi.

ſuch manual labour.* But a ſtill more remarkable compariſon occurs in the writings of this ancient bard: for Ulyſſes, toſſing about through the whole night, with reſtleſs anxiety, is likened to a fat pudding frying on the fire.† Even Virgil, whoſe elegance and correctneſs are univerſally acknowledged, has drawn the ſimilitude of a queen (Amata, the wife of king Latinus) under the violence of paſſion, from a company of boys whipping a top.‡

I do not recollect one coarſe alluſion or low image in the whole poem of *Paradiſe Loſt;* though ſeveral contained in it are fantaſtical, being derived from the fictions of heathen mythology. But it is more than probable that Milton, when tranſlated by foreigners, will not appear to deſerve the character of undeviating dignity. For the correſpondent terms, in other languages, may have ſecondary ideas of meanneſs affixed to them, from which in the original they are exempt. The ſame remark is applicable to other works; and it is particularly to be wiſhed that the books of the Old and New Teſtament, in the common verſion, were always peruſed with a candid attention to it.

I have been told of a picture, which exhibits a burleſque view of the tablature, repreſenting the judgment of Hercules. The young hero is painted as a tall grenadier, Virtue as a methodiſt preacher, and Pleaſure as a drunken ſtrumpet. The parody, if this term can be applied to painting, may anſwer

* See the Notes of Dacier, Pope, and other commentators.

† Od. lib. xxi. ‡ Æn. lib. vii.

the purpoſe of exciting laughter, but will counteract in the ſpectator's mind all the beneficial effects of the moſt inſtructive and philoſophical apologue of antiquity.

" Diſcit enim citius, meminitque libentius illud,
" Quod quis deridet, quam quod probat et veneratur."
HOR.

PARODY is a favourite flower both of ancient and of modern literature.* It is a ſpecies of ludicrous compoſition, which derives its wit from aſſociation; and never fails to produce admiration and delight, when it unites taſte in ſelection with felicity of application. Even licentious ſpecimens of it move to laughter; for we are always inclined to be diverted with mimickry, or ridiculous imitation, whether the original be an object of reſpect, of indifference, or of contempt. A poliſhed Athenian audience heard, with burſts of mirthful applauſe, the diſcourſes of the venerable Socrates burleſqued upon the ſtage; and no Engliſhman can read the Rehearſal, without ſmiling at the medley of borrowed abſurdities which it exhibits. Mr. Pope's *Dunciad*, and *Rape of the Lock*, abound with the moſt admirable parodies; but ſome of them may appear, to a religious mind, chargeable with levity and profaneneſs. I ſhall quote an example, both of the excellent and exceptionable; as the beauty of the one, and the fault of the other, equally relate to the ſubject of the preſent eſſay.

* See Diog. Laertius, Lucian. Dialog., Boileau, Cervantes, Butler, Swift, &c. &c.

When the fatal rape was committed by the baron on Belinda's Lock, ſhe is repreſented as attempting to revenge herſelf by her bodkin:—

" Now meet thy fate, incens'd Belinda cry'd,
" And drew a deadly bodkin from her ſide.
" The ſame, his ancient perſonage to deck,
" Her great great grandſire wore about his neck,
" In three ſeal rings; which after, melted down,
" Form'd a vaſt buckle for his widow's gown:
" Her infant grandame's whiſtle next it grew,
" The bells ſhe jingled, and the whiſtle blew;
" Then in a bodkin graced her mother's hairs,
" Which long ſhe wore, and now Belinda wears."*

The unlearned reader will be ſtruck with this ſplendid genealogical deſcription of an inſignificant bodkin: but he who is verſed in the writings of Homer, will peruſe it with additional delight, from the recollection of the analogy which it bears to the progreſs of Agamemnon's ſceptre. In the third canto of the incomparable poem above referred to, a game of ombre is deſcribed with all the *pathos* and ſolemnity which the heroic muſe can call forth; and the cards in Belinda's hand being pompouſly enumerated, viz.

. . . . . " Four kings, in majeſty rever'd,
" With hoary whiſkers, and a forky beard:
" And four fair queens, whoſe hands ſuſtain a flow'r,
" Th' expreſſive emblem of their ſofter power."

The two following lines ſucceed—

" The ſkilful nymph reviews her force with care,
" *Let ſpades be trumps! ſhe ſaid; and trumps they were.*"

* Canto v. l. 87.

This parody of one of the moſt ſublime paſſages in the Old Teſtament, *And God ſaid, Let there be light, and there was light*, may, I think, be juſtly deemed reprehenſible; as it tends to connect a ludicrous idea with that Being who ought never to be thought of but with reverence.* But ſhould this remark appear to be an overſtrained refinement, it will be acknowledged that, in leſs dignified caſes, very ſlight aſſociations of the burleſque kind have an aſtoniſhing effect on the ſentiments and taſte of thoſe who form them. When Thomſon's tragedy of Sophoniſba was firſt repreſented on the ſtage, the higheſt expectations were formed of its theatrical merit. But a waggiſh parody on the following line,

"O! Sophoniſba! Sophoniſba! O!"

* Pope ſeems to have been peculiarly fond of alluſions to this paſſage of the Old Teſtament; but has been a little unfortunate in the application of them. The truth is, that the ſentiment is too ſublime either for burleſque or for compliment: and the extravagance of theſe lines, in his epitaph on Sir Iſaac Newton, offends almoſt equally with the parody quoted above:—

"Nature, and Nature's laws, lay hid in night;
"*God ſaid, Let Newton be!* and all was light!"

This hyperbolical encomium is ſuch a profanation of ſacred writ to monumental flattery, that it was juſtly ſatirized in the following epigram, written by a young man, who has diſcloſed only the initials of his name:—

"If Newton's exiſtence enlighten'd the whole,
"What part of expanſion inhabits the fool?
"If light had been total, as Pope hath averr'd,
"I. T. had been right, for he could not have err'd;
"But Pope has his faults, ſo excuſe a young ſpark;
"Bright Newton's deceas'd, and we're all in the dark."

damned the reputation of the play, and for a while the town echoed with

O! Jemmy Thomſon! Jemmy Thomſon, O!*

It happened not long ſince, that a perſon of mean rank was elected provoſt, or chief magiſtrate, of Aberdeen. In the firſt moments of elevation, and whilſt receiving the congratulations of his friends, he laid his hands upon his breaſt, and very emphatically declared, that *after all he was but a mortal man.*

Is it poſſible for any one, under the impreſſion of this ludicrous ſtory, to read without ſmiling the fact related by Ælian, and quoted with great applauſe by many other hiſtorians, viz. that Philip king of Macedon kept a perſon in his ſervice, whoſe office it was to deliver to him daily the following admonition, *Remember, Philip, that thou art mortal!* Perhaps if ſuch an incident had occurred in Greece, during the reign of that monarch, it might have turned into ridicule the admiration in which his inſtitution was held, by expoſing at once the abſurdity, pride, and affected humility, on which it was founded.

The people improperly, becauſe opprobriouſly, called Quakers, certainly merit a very high degree of eſteem from their fellow-citizens, on account of their induſtry, temperance, peaceableneſs, and catholic ſpirit of charity. For notwithſtanding the enthuſiaſtic pretenſions of their founders to ſuperior ſanctity and Divine inſpiration, they diſclaimed all dominion

* Johnſon's Lives of the Poets; Article—Thomſon.

over faith and conſcience: and Barclay, their learned apologiſt, wrote ably in defence of religious liberty; whilſt Penn, as a law-giver and civil magiſtrate, eſtabliſhed it, on the broadeſt foundation, in his new government of Pennſylvania.* At a period, when bigotry and perſecution were predominant through the Chriſtian world, ſuch rational ſentiments and liberal conduct reflect the higheſt honour on this ſect. But the ſingularity of their apparel, manners, and forms of worſhip, has expoſed them to the keeneſt ſhafts of ridicule. And however illiberally and unjuſtifiably ſuch offenſive weapons may have been employed, they would in all probability have prevailed, if the converts and youth of this ſect had not been fortified againſt them by the moſt unremitting ſtrictneſs of their inſtitutions. Theſe are admirably calculated to correct, or to prevent, all ludicrous aſſociations; and to ſuppreſs, if poſſible, the very principle of laughter, as inconſiſtent with the *ſerious-*

* This venerable man was ſuſpected of being a papiſt in diſguiſe, owing to the favour ſhewn him by King James II. To obviate ſo unjuſt an opinion, ſeveral letters were written by him to Dr. Tillotſon, then dean of Canterbury, who, amongſt others, had adopted it; and in one of them he thus expreſſes himſelf. "I know not a "jeſuit or a prieſt in the world: and yet I am catholic, though not a "Roman. I have bowels for mankind, and dare not deny others, "what I crave for myſelf, I mean, liberty for the exerciſe of my "religion; thinking faith, piety, and providence, a better ſecurity "than force; and that, when truth cannot prevail with her own "weapons, all others will fail her. I am no Roman Catholic, but "a Chriſtian, whoſe creed is the Scripture, of the truth of which I "hold a nobler evidence than the beſt Church authority in the "world."—Brit. Biog. vol. vii.

*neſs, gravity, and godly fear of the Goſpel.** It is aſtoniſhing to obſerve, in a large body of people, the efficacy of a ſet of practical maxims, utterly repugnant to nature: and the influence of them is early viſible, even in their children, who diſplay an invariable ſteadineſs of countenance and deportment, under circumſtances which cover others of the ſame age, but differently educated, with the bluſhes of baſhful confuſion. But there is now an increaſing relaxation of diſcipline amongſt the members of this reſpectable community; and their diſtinguiſhing modes will gradually ceaſe, as they become more and more combined with the painful ideas of obloquy and deriſion in the minds of thoſe who adopt them.

Piety to God, whether it reſpects the inward ſentiments and affections of the ſoul, or the outward expreſſions of them in homage and prayer, ought to elevate us far above the reach of raillery, or the influence of low and ludicrous aſſociations. But unhappily, both the principle and practice of devotion are too often debaſed by ſuperſtition, deformed by enthuſiaſm, and counterfeited by hypocriſy: and as theſe conſtitute legitimate objects of ridicule and contempt, the ſterling value of piety itſelf becomes depreciated by the union of a baſe and foreign alloy. Such numbers *draw near to the Deity with their lips, whilſt their hearts are far from Him*, that a noble writer has ſarcaſtically obſerved, "If we are told a "man is religious, we ſtill aſk, what are his morals?

* Barclay's Apology for the Quakers, p. 136.

"But if we hear at firſt that he has honeſt morals, "and is a man of natural juſtice and good temper, "we ſeldom think of the other queſtion, whether he "be religious and devout."* Theſe are conſiderations, which operate powerfully on the mind: and if they be ſtrengthened by the ideas of ungraceful geſtures, diſſonant tones of voice, or other extravagancies in devotion, ſuch a degree of timidity and falſe delicacy may be created, as entirely to depreſs the fervour which theſe exerciſes are adapted to excite. Prayer may then be performed as a duty, but will not be felt as a privilege; and the creature will even bluſh at the higheſt honour he can enjoy, that of holding communion with his Creator. Many an ingenuous youth has been deſpoiled of this glorious diſtinction of humanity by the ſneers and jeſts of his companions: and of the military profeſſion it is ſaid, that an officer would rather face the mouth of a cannon, than be found privately in the poſture of ſupplication. Dr. Swift ſeems to have been governed, in his religious obſervances, by ſome ſuch ill-grounded aſſociation. His conſtant preſence at church, whilſt he reſided at the deanery of St. Patrick's, he knew would be expected; but he was ſedulouſly careful to conceal whatever had the appearance of voluntary devotion. When he was in London, therefore, he never attended divine ſervice but at a very early hour in the morning: and though he practiſed family prayer in his houſe, his ſervants

* Lord Shafteſbury's Characteriſtics.

aſſembled, as it were, by ſtealth; ſo that Dr. Delany lived ſix months with him before he diſcovered it.*

I hope it will not be underſtood from what has been advanced on the topic of ludicrous aſſociations, that I am averſe to laughter, or an enemy to wit and pleaſantry. Human life, without their exhilarating influence, would be a ſcene of anxious care or phlegmatic dulneſs. Nor is the harſher controul of ridicule to be wholly condemned or rejected. It is neceſſary to reſtrain the irregular ſallies of folly; and, as theſe often proceed from a lively imagination, the ſenſe of it is happily acuteſt, where its correction is moſt required.

IV. There are few people who have not, at particular ſeaſons, experienced the effect of certain accidental aſſociations which obtrude one impertinent idea, or ſet of ideas, on the mind, to the excluſion of every other. Mr. Locke has noticed this weakneſs, and he humorouſly deſcribes it, "as a childiſhneſs of "the underſtanding, wherein, during the fit, it plays "with and dandles ſome inſignificant puppet, without "any end in view."† Thus a tune, a proverb, a

* Brit. Biog. vol. viii. Johnſon's Lives of the Poets; article Swift.—Dr. Swift furniſhes an excellent ſubject for the moral anatomiſt. His life was eventful; his paſſions were various and ſtrong; and his ſenſibilities acute in the extreme. Self-indulgence gave every ſpring to action, within him, its full power; and pride prevented the concealment of its operation. Hence the motives, which directed his conduct, were ſeldom either extraneous or complex; and they are generally eaſy to be traced to their ſource.

† Lock's Conduct of the Underſtanding.

ſcrap of poetry, or ſome other trivial object, will ſteal into the thoughts, and continue to poſſeſs them long after it ceaſes to be amuſing. Perſuaſives to diſmiſs a gueſt that proves ſo troubleſome can hardly be neceſſary; and bodily exertion is generally the beſt remedy for this mental infirmity. But there is another ſtate of mind dependent on the laws of aſſociation, which is more dangerous, becauſe it invites to indulgence. It conſiſts in reveries, gay viſions of fancy, the creation of air-built caſtles, and cobweb *hypotheſes*. Men of genius alone are incident to theſe flattering deluſions; and they too often implicitly give way to them. But in proportion as they prevail, reaſon and judgment are impaired, ſtudy becomes formal dullneſs, activity toilſome, and the neceſſary offices of life are neglected. Thomſon has thus beautifully pictured ſuch a character:—

" There was a man of ſpecial grave remark;
" A certain tender gloom o'erſpread his face,
" Penſive, not ſad, in thought involv'd, not dark;
" As ſweet this wight could ſing as morning lark,
" And teach the nobleſt morals of the heart:
" But theſe his talents were y' buried ſtark.
" To noon-tide ſhades incontinent he ran,
" Where purls the brook with ſleep-inviting ſound,
" There would he linger till the lateſt ray
" Of light ſat trembling on the welkin's bound.
" Oft has he travers'd the cœrulean field,
" And mark'd the clouds, that drove before the wind;
" Ten thouſand glorious ſyſtems would he build,
" Ten thouſand great ideas fill'd his mind;
" But with the clouds they fell, and left no trace behind."

CASTLE OF INDOLENCE, Canto I.

V. It has been remarked, that gameſters, ſailors, and others who are under the influence of what is vulgarly, but very improperly, termed *chance*, that is, of cauſes not within the reach of human power to direct, nor of human ſagacity to diſcern, are extremely prone to ſuperſtition. Their hopes and fears, their confidence and deſpair, are founded on circumſtances which bear only a fanciful relation to the events that are to come. Imagination connects the ideas of magnitude and importance with the ſlighteſt cauſes, which are viewed in obſcurity, as objects appear largeſt to our ſenſes during twilight. A gameſter lays great ſtreſs on the luck of a ſeat, or the ſhake of a die: and I remember in croſſing a ferry, whilſt it was very calm, the boatman whiſtled more than three hours a particular ſet of notes, to forward the motion of his veſſel, crying out at ſhort intervals, *Blow, good wind, blow; blow a briſk gale!* and if a gentle gale ſprung up, he redoubled his efforts in the fulleſt aſſurance of ſucceſs. The abſolute truſt, repoſed in empirical medicines, ariſes from a ſimilar deception; and the miraculous operation often aſcribed to them, even by perſons of judgment and education, is a proof of the aſtoniſhing power of wrong aſſociations. The wiſe Emperor Marcus Aurelius was ſo firmly perſuaded of the efficacy of a certain antidote, called *theriaca*, to reſiſt every ſpecies of poiſon, that he made uſe of it daily, to the great injury of his health; for his head became affected to ſuch a degree that he dozed in the midſt of buſineſs;

and when opium was left out of the compoſition, an obſtinate watchfulneſs enſued.*

The ſame principle of aſſociations explains the dogmatiſm of the critic and the antiquarian, whoſe poſitiveneſs reſpecting the conſtruction of a ſentence, or the letters of a worn-out inſcription, is often in exact proportion to their uncertainty. When any one ſoars with great ardour into the regions of conjecture, the airy phantoms which he meets with will be contemplated by him as ſubſtantial realities; and he will purſue truth, not with a temperate and rational zeal, but with the blind enthuſiam of love; dignifying, like a paſſionate *inamorato*, every conceit of his mind, and admiring diſcoveries which exiſt no where but in his own brain. Theſe reflections have been in part ſuggeſted by the peruſal of the memoirs of Mr. Whiſton; a man whoſe genius, learning, and integrity, might have placed him high in the ſcale of excellence, had he not ſuffered a perverted imagination to uſurp the juſt authority of judgment. "The "warmth of his temper diſpoſed him to receive any "ſudden thoughts, any thing that ſtruck his fancy, "when favourable to his preconceived ſcheme of "things, or to any new ſchemes of things, which "ſerved, in his opinion, a religious purpoſe."† With ſuch propenſities he wrote *An Eſſay on the Revelation of St. John:* and being appointed the following year (1707) to preach Mr. Boyle's lectures,

* Galen de Antidotis, lib. i. cap. 1.

† Mr. Collins.

he choſe for his ſubject, the *accompliſhment of Scripture prophecies*. In 1712, when Prince Eugene of Savoy was in England, he dedicated a work to him in which *he interpreted the end of the hour, and day, and month, and year, for the Ottoman devaſtations*, (Apoc. ix. 15,) *to have been put by his glorious victory over the Turks, September 1ſt, 1697, (O. S.) or the ſucceeding peace of Carlowitz*, 1698.* His favourite conceptions were now ſo ſtrongly riveted in his mind, that he diſcerned clearly all the revolutions of paſt and future ages in the writings of the Prophets, or the Revelations of St. John. Such indeed was the aſcendancy of theſe abſurd aſſociations over his underſtanding, that he gave entire credit to the impudent impoſture of Mary Tofts, a woman of Godalmin, who pretended to be delivered of rabbits, becauſe her monſtrous births were deemed by him to be the exact completion of an old prediction in Eſdras.†

In almoſt every caſe of wrong aſſociations, the underſtanding either voluntarily ſuſpends its controuling and directing power, or is deluded into a conformity with fancy; and the mind ſtill retains a conſciouſneſs of freedom, and of moral agency. But there are certain habits which uſurp, by *force*, the dominion of reaſon, and compel the will to gratify inordinate deſires, by the choice of known evil in pre-

* Prince Eugene ſeems to have been pleaſed with the honour of the diſcovery, that he was the object of ſo ancient a prediction; for he preſented Mr. Whiſton, on this occaſion, with a purſe of gold.—See Brit. Biog. vol. viii. p. 247.

† Gent. Mag. July, 1781, p. 321.

ference to acknowledged good. The lamentation of the poet, *video meliora proboque, deteriora sequor*, seems also to have been felt by St. Paul, who says, Rom. vii. 11, *That which I do, I allow not; for what I would, that I do not; but what I hate, that I do. If then I do that which I would not, I consent unto the law, that it is good. Now then it is no more I that do, but sin that dwelleth in me.* If an enlightened Apostle speak in such abasing terms of himself, with how much more truth and propriety might the same language have been adopted by a late advocate for the divine dispensation of the Gospel. For charity inclines me to hope, that the learned author of the Christian Hero *wrote* in consistency with, whilst he *acted* in opposition to, his most serious conviction: This work, Sir Richard Steele informs us,* was composed by him principally with a view to contrast impressions of piety and virtue with the strong propensity which he experienced to licentious pleasures. For he says, even when rioting in scenes of debauchery, he was deeply conscious of the impropriety of his conduct, and condemned those unlawful gratifications which he had not resolution to renounce. His Christian Hero, however, whilst the treatise remained privately in his own hands, afforded but a weak and ineffectual check to his vicious pursuits. He therefore determined to publish it, that by thus placing himself in a new light before his acquaintance, he might be restrained from guilt by an explicit and

* See his Apology for himself and his writings.

avowed teſtimony in favour of goodneſs. But it does not appear that this ſingular experiment proved ſucceſsful. Steele forſook not his debaucheries; and by having affected the ſaint, he aggravated, in the opinion of his friends, his condemnation as a ſinner. Yet Mr. Pope, who knew him well, juſtified him from the imputation of hypocriſy; and always regarded him as a real lover of virtue in *theory*, though a ſlave to vice in *practice*.*

Many other examples might be adduced of the force of evil habits, and the pernicious influence of falſe aſſociations, whether intellectual or moral; but to dwell long on the ſhades of the human character is apt to abate our benevolence to mankind, and to impair the principle of veneration towards the great Author of our nature. More pleaſing would be the taſk, and I will add, more eaſy to, to vindicate the wiſdom of the Divine laws, by ſhewing, that the power of habit, and the propenſity to combine ideas together, are eſſential to the juſt conſtitution of the mind; and that without their well-regulated aid, knowledge would be unattainable, virtue a tranſient emotion or deſultory act, and life itſelf a ſcene of indifference and inſipidity.

* Ruffhead's Life of Pope, p. 493. Brit. Biog. vol. viii.

ON

INCONSISTENCY OF EXPECTATION

IN

LITERARY PURSUITS.

"RETINUIT, QUOD EST DIFFICILLIMUM, EX SAPIENTIA
"MODUM." TACIT. VIT. AGRICOL.

ON

INCONSISTENCY OF EXPECTATION

IN

LITERARY PURSUITS.

" He, who hath treaſures of his own,
" May leave a cottage, or a throne;
" May quit the world to dwell alone,
" Within his ſpacious mind."

WHERE, amongſt the men of ſcience, is the archetype to be found of a picture ſo flattering to human pride? The original, from which it appears to have been drawn, was indeed an exalted character; but at the ſame time, alas! a feeble valetudinarian, who muſt have experienced thoſe mortifying impediments to mental exertion, which ariſe from a conſtitution naturally delicate, and broken by laborious reſearches into truth. Under ſuch circumſtances, could it be affirmed, that

" Locke had a ſoul,
" Wide as the ſea,
" Calm as the night,
" Bright as the day;
" There might his vaſt ideas play,
" Nor feel a thought confin'd."

The amiable poet,* who has thus pourtrayed, with the glowing colours of admiration and reſpect, one of the moſt diſtinguiſhed ornaments of the human ſpecies, paſſed himſelf a life of lingering ſickneſs: and though his genius was fertile, and his induſtry wonderfully and variouſly productive, yet ſuch was his ſenſibility of the obſtructions he had to ſurmount, that he made a painful and humiliating calculation of the days, months, and years, which he had loſt even by his ſlighteſt malady, the tooth-ach. The celebrated Mr. Paſchal languiſhed four years under a diſtemper, which, without manifeſting itſelf by many outward ſigns, or occaſioning confinement, debarred him of the pleaſures and improvements of ſtudy; and it was the anxious office of his friends to guard him from writing or ſpeaking on any topics which might exerciſe much thought or attention.† Mr. Pope's vital functions were ſo diſordered, that his life is emphatically ſaid to have been a *long diſeaſe*. The head-ach was his moſt frequent aſſailant; and he uſed to relieve it by inhaling the ſteams of coffee, which he often required during thoſe hours that ſhould have afforded the refreſhment of ſleep. Such was his earneſtneſs and ſolicitude in the proſecution of his literary undertakings, that Swift complains he was never at leiſure for converſation: and one of Lord Oxford's domeſtics related, that in the ſevere winter of 1740, ſhe was called from her bed four times in one night to ſupply him with

* Dr. Watts. † Preface to Paſcal's Thoughts.

paper, that he might not loſe a thought.* The learned biographer who ſarcaſtically records this fact, acknowledges in the preface to the moſt laborious of his works, that he himſelf *triumphed* in the acquiſitions which he ſhould diſplay to mankind, and indulged all the dreams of a poet, doomed at laſt to wake a lexicographer. For he found that "one "inquiry only gave occaſion to another; that book "referred to book; that to ſearch was not always "to find; and to find was not always to be in-"formed; and that thus to purſue perfection was, "like the firſt inhabitants of Arcadia, to chace the "ſun, which, when they had reached the hill where "he ſeemed to reſt, was ſtill beheld at the ſame "diſtance from them." There is a paſſage in Thomſon's *Caſtle of Indolence* ſo applicable to this kind of folly, that I am tempted to tranſcribe it:

"This globe pourtray'd the race of learned men,
"Still at their books, and turning o'er the page
"Backwards and forwards: oft they ſnatch the pen,
"As if inſpir'd, and in a Theſpian rage,
"Then write and blot, as would your ruth engage.
"Why, authors! all this ſcrawl and ſcribbling ſore?
"To loſe the preſent, gain the future age,
"Praiſed to be, when you can hear no more:
"And much enrich'd with fame, when uſeleſs worldly ſtore?" †

The examples which I have recited are of men occupied chiefly, if not ſolely, in the walks of literature: but the taſte for knowledge may be cultivated ſucceſsfully in the buſy ſcenes of active life. And

* Johnſon's Lives of the Poets.

† Thomſon's Caſtle of Indolence, Canto I.

under theſe circumſtances aſtoniſhing proficiency has been made by the combined powers of genius and induſtry. The works of Tully, Pliny the elder, Bacon, Temple, and Bolingbroke, not to mention various other names of ancient and modern times, are ſufficient evidences of this fact. But neither the efforts of genius nor of induſtry can ward off ſickneſs, obviate ſolicitude, or ſtop thoſe unacountable ebbings of the mind, which even a lowering ſky will ſometimes produce. Cicero, notwithſtanding all his exultation on the ſoothing influence of philoſophy, found himſelf under the neceſſity of retiring at certain ſeaſons to one of his country villas, ſituated near Aſtura; and in this ſolitary reſidence, which was covered with a thick wood cut into ſhady walks, he uſed to paſs his hours of ſpleen and melancholy.*

But could we ſuppoſe health to be enjoyed without interruption, the ſpirits to be always lively and active, and all the intellectual faculties in a ſtate of uniform compoſure and energy; yet ſtill the progreſs in knowledge would be retarded by error, and obſtructed by the want of thoſe materials for which we muſt depend on the accuracy, induſtry, and attainments of others. The temple of ſcience requires for its elevation the united labours of myriads of different artiſts; and the conſtruction of it will be perpetually incident to delays, by the indolence, unſkilfulneſs, and miſtakes of thoſe who are employed in the undertaking. In ſuch circumſtances, to unite ardour with ſerenity, an en-

* Middleton's Life of Cicero, vol. iii. page 296.

thuſiaſm for ſcience with patience under all the obſtructions of purſuit, from outward accident or inward infirmity, is a happineſs of which few can boaſt.* And the page of biography is filled with narratives of the querulouſneſs, impaired health, and mental imbecility of thoſe, who, by their writings, have informed, enlightened, and charmed mankind. Juſt views of the deſigns of Providence in the government of the world, and particularly in the ſtructure of the human mind with reſpect to the progreſſive evolution of its faculties, would tend to obviate theſe evils, by reſtraining the inordinate aſpirations of literary ambition, and by correcting the inconſiſtency of expectation from which they proceed.

Man is evidently conſtituted for two great ends; the attainment of virtue, and of knowledge. All his mental endowments have a reference to one or other of theſe final cauſes: on them, therefore, muſt depend the *perfection* and *felicity* of his nature. But his moral powers ſeem more circumſcribed in their operation, and conſequently to admit of leſs extenſive culture, than thoſe of his underſtanding. For they are confined within the limits of rational, or at moſt of ſenſitive being, and with ſuch they can hold only a partial and contracted correſpondence; whilſt the intellectual faculties have for their object the whole ſyſtem of nature, the infinitude of which is, perhaps,

* Sir Iſaac Newton affords a ſingular example of temperate ardour, unremitting energy, and almoſt invariable equanimity.

not leſs apparent in its minuteneſs than immenſity. From theſe conſiderations I am inclined to believe, that our ſtation in the preſent world is intended for near approaches towards the *maturity* of *virtue*; but for the *infancy* only of *knowledge*. And the wiſdom of this ordinance of the Deity is ſufficiently diſcernible: for as *knowledge* is *power*, the antecedent poſſeſſion of goodneſs, to direct it, muſt be eſſentially neceſſary to beatitude. The paſſions and affections are of ſpeedy growth, and often manifeſt great vigour in that ſeaſon of life which is marked by the feebleneſs of reaſon. Increaſing years modify, direct, and meliorate them; but the diſcipline of experience ſerves rather to balance and reſtrain, than to augment, their native ſtrength and energy. On the contrary, the mind proceeds by ſlow and regular gradations, in the attainment of ſcience: and our acquiſitions conſiſt not ſolely in the diſcovery of new objects or phœnomena; but in the compariſon of theſe with what we already know,* and in aſcertaining their reciprocal dependencies, relations, or contrarieties. Thus knowledge is multiplied beyond the ſum of its ſeparate and component parts; and every acceſſion to it increaſes the ſtock in a ratio, that, we may devoutly truſt, will become greater and greater through all eternity.

But the bulk of mankind, in this ſtage of exiſtence, are in circumſtances which preclude any conſiderable

* Maclaurin's View of Sir Iſaac Newton's Philoſophy.

advancement in learning: and we may obſerve, that the diſpenſation of the Goſpel gives no *direct* encouragement to it,† but applies all its precepts and exhortations to the cultivation of the heart. For the principles and practice of virtue are accommodated to every period and condition of life; and are exerciſed, refined, and exalted, even by poverty, infirmity, ſickneſs, and old age; all which check the exertions and depreſs the vigour of human genius. Rectitude of diſpoſition and of conduct bears a preciſe and permanent relation to all times, perſons, and occurrences. And if we aſcend from particular to general excellence, by contemplating the duty of man in the aggregate, we may form a diſtinct and adequate idea of *moral perfection*. But what mind can expand itſelf to the conception of *complete intelligence!* Every ſtep of our aſcent on the hill of ſcience preſents to the view a widening horizon; and the boundary of darkneſs increaſes, in proportion to the amplitude of thoſe enlightened regions which it encircles.

It is this endleſs progreſſion of knowledge which is apt to give the *love* of it an inordinate aſcendancy over every other principle, ſo as to render it the *ruling paſſion* of the mind. And as this paſſion does not,

† Many paſſages in the New Teſtament, according to a literal interpretation, ſeem *directly levelled againſt* human learning; which is deſcribed as vain, deceitful, traditionary, conſiſting of endleſs genealogies, idle bablings, and profane fables. But the beſt commentators are of opinion that theſe cenſures have a reference only to the abſurd philoſophy of the Gnoſtics or Sophiſts, which was derived from the Egyptians.

like the love of virtue, temper its particular exertions, by preſerving a due ſubordination in the powers which it calls forth into action, the wildeſt extravagancies of emotion and of conduct have been diſplayed by thoſe who ſubmit to its uncontrouled dominion. A great philoſopher has ruſhed naked from the bath into the ſtreets of a populous city, frantic with joy on the ſolution of an intereſting problem. Tacitus informs us, that his excellent father-in-law, Agricola, "was "inclined to have engaged more deeply in the ſtudies "of philoſophy and law than was ſuitable to a "Roman and a ſenator, if the diſcretion of his mother "had not reſtrained the warmth and vehemence of "his diſpoſition: for his high ſpirit, inflamed by the "charms of glory and exalted reputation, led him to "the purſuit with more eagerneſs than judgment. "Reaſon, and riper years, mitigated his ardour; "and what is a *moſt difficult taſk*, *he preſerved mo-* "*deration in ſcience itſelf.*"* The emperor Marcus Antoninus, in one of his Meditations, expreſſes fervent gratitude to the gods, that by their favour he had made no further advances in rhetoric, poetry, and other amuſing ſtudies; that he had not beſtowed too much time on voluminous reading, logical diſputations, or reſearches into phyſics; becauſe theſe might have engroſſed his mind, or diverted his attention from the peculiar duties of his elevated

* Tacitus in vit. Agric. See alſo Mr. Aikin's elegant tranſlation of this admirable piece of biography, page 65.

ſtation.† Juſt and weighty, therefore, is the maxim of another ancient moraliſt, with which I ſhall conclude theſe reflections, that *we ſhould not reſt ſatisfied with the* WORDS *of wiſdom, without the* WORKS; *nor turn philoſophy into an idle pleaſure, which was given us for a ſalutary remedy.**

† Marcus Antoninus, lib. i. * Seneca.

ON THE

ADVANTAGES OF A TASTE

FOR THE GENERAL

BEAUTIES OF NATURE,

AND OF ART.

"ME VERO PRIMUM DULCES ANTE OMNIA MUSÆ
"ACCIPIANT!" - - - - - - - - VIRG.

"QUID MINUAT CURAS, QUID TE TIBI REDDAT AMICUM."
HOR.

SECTION I.

ON THE

BEAUTIES OF NATURE.

THAT ſenſibility to beauty, which, when cultivated and improved, we term Taſte, is univerſally diffuſed through the human ſpecies: and it is moſt uniform with reſpect to thoſe objects, which, being out of our power, are not liable to variation, from accident, caprice, or faſhion. The verdant lawn, the ſhady grove, the variegated landſcape, the boundleſs ocean, and the ſtarry firmament, are contemplated with pleaſure by every attentive beholder. But the emotions of different ſpectators, though ſimilar in kind, differ widely in degree: and to reliſh with full delight the enchanting ſcenes of nature, the mind muſt be uncorrupted by avarice, ſenſuality, or ambition; quick in her ſenſibilities, elevated in her ſentiments, and devout in her affections. He who poſſeſſes ſuch exalted powers of perception and enjoyment, may almoſt ſay with the poet,

" I care not, Fortune! what you me deny;
" You cannot rob me of free Nature's grace;
" You cannot ſhut the windows of the ſky,

" Through which Aurora ſhews her bright'ning face;
" You cannot bar my conſtant feet to trace
" The woods and lawns, by living ſtream, at eve:
" Let health my nerves and finer fibres brace,
" And I their toys to the great children leave:
" Of fancy, reaſon, virtue, nought can me bereave."*

Perhaps ſuch ardent enthuſiaſm may not be compatible with the neceſſary toils, and active offices, which Providence has aſſigned to the generality of men. But there are none to whom ſome portion of it may not prove advantageous; and if it were cheriſhed by each individual, in that degree which is conſiſtent with the indiſpenſable duties of his ſtation, the felicity of human life would be conſiderably augmented. From this ſource the refined and vivid pleaſures of the imagination are almoſt entirely derived: and the elegant arts owe their choiceſt beauties to a taſte for the contemplation of nature. Painting and ſculpture are expreſs imitations of viſible objects: and where would be the charms of poetry, if diveſted of the imagery and embelliſhments which ſhe borrows from rural ſcenes? Painters, ſtatuaries, and poets, therefore, are always ambitious to acknowledge themſelves the pupils of nature; and as their ſkill increaſes, they grow more and more delighted with every view of the animal and vegetable world. But the pleaſure reſulting from admiration is tranſient; and to cultivate taſte, without regard to its influence on the paſſions and affections, " is to rear a tree for its bloſſoms, " which is capable of yielding the richeſt and moſt

* Thomſon's Caſtle of Indolence.

" valuable fruit."* Phyſical and moral beauty bear ſo intimate a relation to each other, that they may be conſidered as different gradations in the ſcale of excellence; and the knowledge and reliſh of the former ſhould be deemed only a ſtep to the nobler and more permanent enjoyments of the latter.

Whoever has viſited the Leaſowes, in Warwickſhire, muſt have felt the force and propriety of an inſcription, which meets the eye at the entrance into thoſe delightful grounds.

" Would you then taſte the tranquil ſcene?
" Be ſure your boſoms be ſerene;
" Devoid of haſte, devoid of ſtrife,
" Devoid of all that poiſons life:
" And much it 'vails you, in their place
" To graft the love of human race."†

Now ſuch ſcenes contribute powerfully to inſpire that ſerenity, which is neceſſary to enjoy and to heighten their beauties. By a ſecret ſympathy, the ſoul catches the harmony which ſhe contemplates, and the frame within aſſimilates itſelf to that which is without. For,

" Who can forbear to ſmile with Nature? Can
" The ſtormy paſſions in the boſom roll,
" While every gale is peace, and every grove
" Is melody?"‡

* Shenſtone. † Id. ‡ Thomſon's Seaſons, firſt edit.

Horace, when he breaks forth into the animated exclamation,

" *O rus! quando ego te aſpiciam? quandoque licebit*
" *Nunc veterum libris, nunc ſomno et inertibus horis*
" *Ducere ſolicitæ jucunda oblivia vitæ?*"

ſeems to regret the want of that heart-felt complacency, which the buſtle, pomp, and pleaſures of imperial Rome could not afford.

In this ſtate of ſweet compoſure, we become ſuſceptible of virtuous impreſſions from almoſt every ſurrounding object. The patient ox is viewed with generous complacency; the guileleſs ſheep with pity; and the playful lamb raiſes emotions of tenderneſs and love. We rejoice with the horſe in his liberty and exemption from toil, whilſt he ranges at large through enamelled paſtures; and the frolics of the colt would afford unmixed delight, did we not recollect the bondage which he is ſoon to undergo. We are charmed with the ſongs of birds, ſoothed with the buzz of inſects, and pleaſed with the ſportive motions of fiſhes, becauſe theſe are expreſſions of enjoyment; and we exult in the felicity of the whole animated creation. Thus an equal and extenſive benevolence is called forth into exertion; and having *felt* a common intereſt in the gratifications of inferior beings, we ſhall be no longer indifferent to their ſufferings, or become wantonly inſtrumental in producing them.

It ſeems to be the intention of Providence, that the lower orders of animals ſhould be ſubſervient to the comfort, convenience, and ſuſtenance of man. But his right of dominion extends no farther; and if this right be exerciſed with mildneſs, humanity, and juſtice, the ſubjects of his power will be no leſs benefited than himſelf. For various ſpecies of living creatures are annually multiplied by human art, improved in their perceptive powers by human culture, and plentifully fed by human induſtry. The relation, therefore, is reciprocal between ſuch animals and man;

and he may ſupply his own wants by the uſe of their labour, the produce of their bodies, and even the ſacrifice of their lives; whilſt he co-operates with all-gracious Heaven in promoting HAPPINESS, the great end of exiſtence.

But though it be true that *partial evil*, with reſpect to different orders of ſenſitive beings, may be *univerſal good;* and that it is a wiſe and benevolent inſtitution of nature to make deſtruction itſelf, within certain limitations, the cauſe of an increaſe of life and enjoyment; yet a generous perſon will extend his compaſſionate regards to every individual that ſuffers for his ſake: and whilſt he ſighs

> " E'en for the kid, or lamb, that pours its life
> " Beneath the bloody knife;"*

he will naturally be ſolicitous to mitigate pain, both in duration and degree, by the gentleſt modes of inflicting it.

I am inclined to believe, however, that this ſenſe of humanity would ſoon be obliterated, and that the heart would grow callous to every ſoft impreſſion, were it not for the benignant influence of the ſmiling face of nature. The Count de Lauzun, when impriſoned by Louis XIV. in the caſtle of Pignerol, amuſed himſelf, during a long period of time, with catching flies, and delivering them to be devoured by a rapacious ſpider. Such an entertainment was equally ſingular and cruel, and inconſiſtent, I believe, with his former character, and ſubſequent turn of

* Lord Lyttelton.

mind. But his cell had no window, and received only a glimmering light from an aperture in the roof. In leſs unfavourable circumſtances, may we not preſume, that inſtead of ſporting with miſery he would have releaſed the agonizing flies, and bidden them enjoy that freedom of which he himſelf was bereaved?

But the taſte for natural beauty is ſubſervient to higher purpoſes than thoſe which have been enumerated: and the cultivation of it not only refines and humanizes, but dignifies and exalts the affections. It elevates them to the admiration and love of that Being, who is the Author of all that is fair, ſublime, and good in the creation. Scepticiſm and irreligion are hardly compatible with the ſenſibility of heart,* which ariſes from a juſt and lively reliſh of the wisdom, harmony, and order, ſubſiſting in the world around us: and emotions of piety muſt ſpring up ſpontaneouſly in the boſom that is in uniſon with all animated nature. Actuated by this divine inſpiration, man finds a fane in every grove: and glowing with devout fervour, he joins his ſong to the univerſal chorus, or muſes the praiſe of the ALMIGHTY in more expreſſive ſilence. Thus they

"Whom Nature's works can charm, with GOD himſelf
"Hold converſe; grow familiar, day by day,
"With his conceptions; act upon his plan;
"And form to his the reliſh of their ſouls."†

* See Gregory' Comparative View. † Akenſide.

SECTION II.

ON

A GENERAL TASTE FOR THE

FINE ARTS.

THE analogy of phyſical to moral beauty, and the connection ſubſiſting between a good heart and a juſt reliſh for the general works of nature, have, I truſt, been fully eſtabliſhed. But though all mankind are endued with the principle or faculty of taſte, it often lies almoſt entirely dormant for want of cultivation. The ſavage Indian, wholly occupied in providing for the neceſſities of life, traverſes the deſert, and the flowery lawn, with equal indifference. Eager in the chace, he ſcarcely turns his eye, as he paſſes along, to contemplate the golden beams of the ſetting ſun, reflected from the lake of Erie. Or if he quit his native wilds in the ſummer ſeaſon, to fiſh in the river Ohio, he ſits in his canoe, inattentive to the awful cataract, and views the moſt ſplendid ſcene in

the creation with ſlight and tranſient emotions. Nor are the generality of men, even in civilized ſociety, or in the higher walks of life, fully qualified to comprehend or to admire the *aſſemblage* of beauties, which the viſible creation preſents to the view of an enlightened imagination. Single objects, or detached parts, attract the notice and engroſs the attention: and the mind by an eaſy tranſition paſſes to the recognition and reliſh of thoſe operations of human ſkill, which are their ſymbols or repreſentations. For the elegant arts are all imitative in their eſſence and origin. Thus muſic, by the variation of its movements and tones, calls up into the mind ideas, both of the natural, animal, and rational world. The murmuring brook, and boiſterous ocean; the ſtormy wind, and gentle zephyr; the wild roar of the lion, the bleating of the lamb, and the plaintive melody of the nightingale; are all within the compaſs of its mimetic enchantments. Theſe are extended even to the paſſions and emotions of the human heart, ſo as to typify anger, pity, remorſe, delight, and ſorrow. Painting occupies a ſtill wider field of ſimilitude and aſſociation, diſplaying all thoſe objects which are known to us in nature, by diverſity of figure, or the various ſhades of colour. Even motions and ſounds may be expreſſed by this wonderful art. For as they are accompanied, in many inſtances, with a certain configuration or poſition of parts, the ſign is readily adopted for the thing ſignified: and we ſee or hear upon the canvas, the horſe *ſtarting* aghaſt at the

ſudden view of the lion; the ſoldier *running* towards his dying general with the news of victory; the cock *crowing* at the denial of Peter; and the water-fall *daſhing* againſt the rocks below.*

Poetry, under which term I mean to comprehend all numerous and rhetorical compoſition, derives moſt of its charms from alluſions, ſimilies, metaphors, or deſcriptions; and theſe are obviouſly imitative. In this way its powers are ſo tranſcendent, that even a ſingle epithet will ſometimes produce a repreſentation more picturesque than the pencil of Pouſſin, or Salvator Roſa, ever exhibited. The firſt line in the following ſtanza of Gray's elegy will afford an example and a proof of what is here advanced:

"Now fades the *glimmering* landſcape on the ſight,
"And all the air a ſolemn ſtillneſs holds,
"Save where the beetle wheels his droning flight,
"And drowſy tinklings lull the diſtant folds."†

The accuracy and force of the word *glimmering* muſt be felt by any one who has viewed with attention an extenſive proſpect, about an hour after ſun-ſet.

The mimetic arts have ſome advantages over nature herſelf; for the imitations with which they preſent us are generally agreeable, even though their archetypes be in themſelves indifferent or diſguſting. The mind delights in compariſon; and this pleaſure is heightened by the recognition of reſemblance, and by the contemplation of ingenious deſign or maſterly

* Mr. Stubbs's Picture. The death of General Wolfe; &c.

† Gray's Elegy;

execution. Who can read Mr. Gay's deſcription of a poor benighted traveller, without being charmed at the veriſimilitude of the narration, which is at once ſo clear, ſo diſcriminative, and circumſtantial, that we become, as it were, ſpectators of a ſcene, which, either in its parts, or in the whole, is exactly correſpondent to our recollection and experience.

It is evident, therefore, that the fine arts have for their object the gratification of the ſame faculty which perceives and reliſhes the charms of nature. And by analogy we may infer, that the exerciſe which they give to the taſte is favourable to the virtuous affections of the heart. This truth has been ſo long acknowledged, that the obſervation of the poet is now received as an eſtabliſhed maxim in ethics;

> " *Ingenuas didiciſſe fideliter artes*
> " *Emollit mores, nec ſinit eſſe feros.*" *

But the validity of this canon is not to be admitted without ſome reſtriction. The energies of muſic, painting, and poetry, are ſo powerful and multifarious, that they have at command all the emotions and paſſions of the ſoul,

> - - - - - " *Pectus inaniter angunt,*
> " *Irritant, mulcent, falſis terroribus implent.*" †

They may excite or reſtrain, kindle or extinguiſh paſſion; and thus, according to their application, become the inſtruments either of vice or of virtue. They are incident, likewiſe, to numberleſs adventitious aſſocia-

* Ovid. † Hor. Epiſt. I. lib. ii.

tions, which, counteracting or diverſifying their natural and original tendency, may make them adminiſter to vanity, oſtentation, pride, envy, and jealouſy. Such diſpoſitions are ſometimes found in the profeſſors of theſe arts; and the diſplay of them, in men of diſtinguiſhed genius and merit, raiſes in our minds a painful ſtruggle of diſcordant emotions.*

Whoever, therefore, yields himſelf implicitly to the magic deluſions of the fine arts, is in danger of having his judgment impaired, his heart corrupted, and his capacity deſtroyed for the ordinary duties and enjoyments of life. To this ſource may be traced all the follies and extravagance of what is termed VERTU. Admiration ſtimulates the deſire of poſſeſſion, however immoderate the price; poſſeſſion turns the admiration of the object to ourſelves; and this is ſucceeded by a fond and abſurd impatience to diſplay a ſuperiority over others, both in taſte and property.

"What brought Sir Viſto's ill-got wealth to waſte?
"Some dæmon whiſper'd, 'Viſto, have a taſte.'
"Heav'n viſits with a taſte the wealthy fool;
"And needs no rod, but Ripley with a rule.†

But it is further to be obſerved, that as an acute reliſh for beauty, and a quick diſcernment of deformity, are, in a certain proportion, neceſſarily connected to-

* "Who would not laugh, if ſuch a one there be?
"Who would not weep, if Atticus were he?" POPE.

No reflection is meant, by the quotation of theſe lines, on the very reſpectable character to whom they allude. They were dictated by reſentment, and reprobated by ſome of the Poet's beſt friends.

† Pope's Moral Eſſays.

gether; the latter may become predominant through pride, affectation, or too frequent indulgence. Whenever this happens, taſte will prove the inſtrument of pain, and not of pleaſure: and the faſtidious feelings of diſguſt, ſo often excited, will be transferred from the works of human ſkill to human life, rendering the temper petulant, moroſe, and ſelfiſh. But a perverſion of the powers of the imagination is no argument againſt their proper culture and well-regulated application. For reaſon itſelf is liable to abuſe; and philoſophy and religion have been rendered ſubſervient to ſcepticiſm and ſuperſtition.

MISCELLANEOUS

OBSERVATIONS

ON THE ALLIANCE OF

NATURAL HISTORY, and PHILOSOPHY, WITH POETRY.

. . . . . NIL SCRIBENS IPSE DOCEBO,
UNDE PARENTUR OPES; QUID ALAT FORMETQUE POETAM.

. . . . . VATIBUS ADDERE CALCAR.

HOR.

MISCELLANEOUS

OBSERVATIONS

ON THE ALLIANCE OF

NATURAL HISTORY, and PHILOSOPHY, WITH POETRY.*

THE maxim of Lord Verulam, that "knowledge is power," is no leſs applicable to poeſy than to philoſophy. For whether we engage in this delightful purſuit as an art, or as a ſcience, it is evident that the ability to convey and the capacity to reliſh its peculiar pleaſures, muſt be exactly proportioned to our acquaintance with the means either of communicating or enjoying them. The works of creation are the great ſtorehouſe where theſe means are to be ſought; and an inquiſitive attention to every ſurrounding object is eſſential to the poet, and highly uſeful to the lover of poetry. He who ex-

* In this Eſſay, the author has confined his views chiefly to the application of natural knowledge to that branch of the poetic art which relates to DESCRIPTION; reſerving for ſome future occaſion the alliance of phyſics with POETICAL IMAGERY and MORAL ANALOGY.

tends his reſearches beyond the ſurface of things, will find that the treaſures of nature are inexhauſtible. For it is literally no leſs than metaphorically true, that

- - - - "Many a gem, of pureſt ray ſerene,
"The dark unfathom'd caves of ocean bear;
"Full many a flower is born to bluſh unſeen,
"And waſte its ſweetneſs on the deſert air."*

Yet few have been the labourers in this rich harveſt of ſcience, ſince the days of Theocritus; and the paſtoral deſcriptions and images of that ancient Sicilian bard, have been uſed like hereditary property by all ſucceeding poets. In the ruder ages of the world, the modes of life were peculiarly favourable to the obſervation of nature. Rural ſcenery was continually before the eyes; and the culture of land, or the care of ſheep and cattle, conſtituted the occupation of the greateſt perſonages. This furniſhed a rich ſupply of original materials, which muſt for ever be withheld from thoſe who immure themſelves in cities, and contemplate only the operations of art. Writers, therefore, of this claſs are humbly ſatisfied to be mere copyiſts of others; and adopt, without reſerve, the figures, alluſions, and repreſentations, of their poetical predeceſſors. But ſcience, which is borrowed, is often miſunderſtood: and it is not in the power, even of genius itſelf, to obviate the miſtakes which are committed through ignorance. Who, for inſtance, can notice the countenance of the ox, without perceiving that it diſplays meekneſs, patience, and the moſt

* Gray's Elegy.

inoffenſive diſpoſition;* and that the eyes of this animal are of no unuſual dimenſion? Yet in many verſions of Homer, that divine poet, ſo converſant with zoology, is made to ſtyle the artful, proud, and paſſionate queen of the gods, "Ox-eyed Juno." This miſtake of the tranſlators has evidently ariſen, from the want of attention to nature: and M. Dacier has ſhewn, that the particle βοῶ is only an augmentative, ſignifying *(valde)* large-eyed; and that it has no direct relation to the ox. The error which Dr. Young has fallen into, in his paraphraſe on Job, is more pardonable; becauſe an Engliſh poet, who has never ſeen the CROCODILE, might be ignorant that his eyes are remarkably ſmall. This animal is ſuppoſed to be the Leviathan, deſcribed in the 41ſt chapter of that book: and if the explanation be true, the following paſſage muſt have a reference to the brightneſs, and not to the magnitude, of his organs of ſight, as my friend Mr. Aikin has judiciouſly remarked.† *By his neezings a light doth ſhine, and his eyes are like the eyelids of the morning.* Dr. Young, by a miſconception of the original, has rendered this ſtrong figure ſtill more hyperbolical—

"Large is his front; and when his burniſh'd eyes
"Lift their *broad* lids, the morning ſeems to riſe."

* Thomſon thus deſcribes the ox:

- - - - "And the plain ox,
"That honeſt, harmleſs, guileleſs animal."

† See his elegant and ingenious Eſſay on the Application of Natural Hiſtory to Poetry.

When the rebellious angels are deſcribed by Milton, as converted into ſerpents, he ſays,

- - - - - - "Dreadful was the din
"Of hiſſing through the hall,
"Scorpion and aſp, and amphiſbæna dire,
"Ceraſtes horn'd, hydrus, and elops drear."*

A celebrated critic† aſſerts that it is a miſtake to enumerate the ſcorpion and the aſp amongſt the ſerpents; and that the elops was a fiſh, much admired by the ancients. It has been ſhewn, however, that Milton, in this paſſage, has the authority of Pliny, Lucan, and Nicander.

In a former eſſay I have remarked, concerning the mimetic powers of poetry, that a ſingle word will ſometimes produce a repreſentation more pictureſque than the pencil of Pouſſin, or of Salvator Roſa, ever exhibited. And the obſervation was exemplified by this line of Mr. Gray;

"Now fades the glimmering landſcape on the ſight,"

In which the accuracy and force of the epithet *glimmering* will be felt by any one, who has viewed with attention an extenſive proſpect, about an hour after ſun-ſet.‡ But a gentleman of this county, who has

* Milton's Paradiſe Loſt, book x.

† Dr. Bentley.—Dr. Johnſon, in the plan of his great Dictionary addreſſed to Lord Cheſterfield, when treating of the importanee of the explanation of appellatives, ſays that Milton, with ſuch aſſiſtance, would not have diſpoſed ſo improperly of his *elops*, and his *ſcorpion;* nor would Shakeſpeare have made the *woodbine* entwine the *honeyſuckle*.

‡ Eſſay on the Advantages of a Taſte for Nature and the Fine Arts.

inſerted the foregoing line in a very elegant little poem, by an unfortunate tranſpoſition, has entirely deſtroyed its beauty, truth, and energy.

"Now fades the landſcape on the *glimmering ſight*."

Many original writers, of the moſt diſtinguiſhed reputation, have deviated widely from nature, by adopting facts and opinions without examination, or on inſufficient authority. Thus the poet Lucretius, who flouriſhed about fifty years before the Chriſtian æra, has ſanctioned the vulgar error, that in the jaundice objects are painted on the retina of the ſame colour with that which tinges the external coat of the eye; and has given a theory of it in conformity to the philoſophy of the Epicurean ſchool:

"*Lurida præterea fiunt quæcunque tuentur*
"*Arquati, quia luroris de corpore eorum*
"*Semina multa fluunt, ſimulacris obvia rerum;*
"*Multaque ſunt oculis in eorum denique miſta,*
"*Quæ contage ſua palloribus omnia pingunt.*"*

"Beſides, whatever jaundic'd eyes do view,
"Look pale, as well as thoſe, and yellow too;
"For lurid parts fly off with nimble wings,
"And meet the diſtant coming forms of things:
"And others lurk within the eyes, and ſeize,
"And ſtain, with pale, the entering images."†

Mr. Pope has authorized the ſame obſervation, in his Eſſay on Criticiſm:

"All ſeems infected, that th' infected ſpy;
"As all looks yellow to the jaundic'd eye."

* Lucretius, lib. iv. line 333.

† Creech's Tranſl. of Lucret. book iv. line 344.

And the like miſtaken alluſion is more than once repeated in an admirable poem, lately publiſhed by Mr. Hayley:

> "The bards of Britain, with unjaundic'd eyes,
> "Will glory to behold ſuch rivals riſe."*
>
> "On faireſt names, from every blemiſh free,
> "Save what the jaundic'd eyes of party ſee."

I am inclined to believe there is no ſufficient foundation for this opinion. Galen indeed ſpeaks of yellow viſion, as common to icteric patients; and Sextus Empyricus has delivered the ſame account; but their relation is neither confirmed by experience, nor conſonant to reaſon. In the worſt caſes of the jaundice now known, I believe this ſymptom has no exiſtence; and I do not find it noticed in the records of Aretæus, Celſus, or Hippocrates.

The ſuppoſition, that the fertilizing quality of SNOW ariſes from nitrous ſalts, which it is ſuppoſed to acquire in the act of freezing, is void of foundation; becauſe the moſt accurate experiments have demonſtrated, that it contains no nitre, and only a ſmall portion of calcareous earth. Falſe philoſophy, ſays an eminent chemiſt,† firſt gave riſe to this idea, and poetry has contributed to diffuſe the error. Thus Mr. Philips:

> ---------- "O may'ſt thou often ſee
> "Thy furrows whiten'd by the woolly rain,
> "Nutritious: ſecret nitre lurks within
> "The porous wet, quickening the languid glebe."

* On Epic Poetry. Ep. iv.

† Dr. Watſon, now Biſhop of Landaff, in his Chemical Eſſays.

But the following lines of Mr. Thomſon do not appear to me to be liable to the ſame objection: for the term *ſalts*, with the annexed epithet *little*, may be applied, without much poetical licence, to the cryſtals of water, formed by freezing:

"What art thou, froſt?
"Is not thy potent energy unſeen,
"Myriads of *little ſalts*, or hook'd, or ſhap'd
"Like double wedges, and diffus'd immenſe
"Thro' water, earth, and ether?"

The operation of froſt is here aſcribed to its mechanical powers. For by binding the ſurface of the earth, it arreſts the exhalations as they aſcend from the parts below, and thus retains a nutritious *pabulum*, to be applied at a proper ſeaſon to the roots of plants. But it chiefly meliorates the ſoil, by pulverizing the particles which compoſe it, and fitting them for the abſorption of the vernal dews and rains.

Whenever PHILOSOPHY is introduced into poetry, truth, for the moſt part, is eſſential to its power of giving pleaſure: and our great epic writer ſeems to deſcend ſometimes from the majeſty of his work, by mixing with modern diſcoveries the groundleſs opinions of the ancients. Thus, when Raphael addreſſes Adam, concerning the great ſyſtem of nature, he ſays,

---------- "Other ſuns, perhaps,
"With their attendant moons, thou wilt deſcry,
"Communicating *male* and *female* light"*

The idea of *male* light being communicated by the *ſun*, and *female* light by the *moon*, probably originated in the mind of Milton, from his intimate acquaintance

* Milton's Paradiſe Loſt, book viii. line 148.

with the writings of Pliny; who mentions, as a tradition, "that the ſun is a maſculine ſtar, drying all "things; but that the moon is a ſoft and feminine "ſtar, of diſſolving power. And that thus the ba-"lance of nature is preſerved; ſome of the ſtars "binding the elements, and others looſening them."*

The HARMONY of the SPHERES, or muſical revolution of the heavenly bodies in their ſeveral orbits, was firſt taught by the Pythagoreans; who ſeem to have derived this fanciful doctrine from analogy. For it was obſerved by theſe philoſophers, that a muſical chord produces the ſame note as one double in length, when the force is quadruple with which the latter is ſtretched; hence they ſuppoſed that the gravity of a planet is quadruple the gravity of a planet at a double diſtance. And as any muſical chord may become uniſon to a leſſer chord of the ſame kind, if its tenſion be increaſed in the ſame proportion as the ſquare of its length is greater; ſo the gravity of a planet may become equal to the gravity of another planet nearer to the ſun, provided it be increaſed in proportion as the ſquare of its diſtance from the ſun is greater. If therefore muſical chords be extended from the ſun to each planet, to bring them into uniſon, it would be requiſite to increaſe or diminiſh their tenſions, in the ſame proportions as would be

* "*Solis ardore ſiccatur liquor; et hoc eſſe maſculum ſidus acce-*"*pimus, torrens cuncta ſorbensque. E contrario ferunt lunam femi-*"*neum ac molle ſidus, atque nocturnum ſolvere humorem. Ita pen-*"*ſari naturæ vices, ſemperque ſufficere, aliis ſiderum elementa*"*cogentibus, aliis vero fundentibus.*"—Hiſt. Nat. lib. ii. cap. 100. See alſo the notes to Newton's edition of Paradiſe Loſt.

ſufficient to render the gravity of the planets equal.* This notion of the Pythagoreans is ſo pleaſing to the imagination, that it is not ſurprizing the poets have adopted it; and Milton has given ſuch a view of it, as wants nothing but philoſophical truth to render it delightful:—

"Myſtical dance, which yonder ſtarry ſphere
"Of planets, and of fix'd, in all her wheels
"Reſembles neareſt; mazes intricate,
"Eccentric, intervolv'd, yet regular,
"Then moſt, when moſt irregular they ſeem;
"And in their motions harmony divine
"So ſmooths her charming tones, that GOD's own ear
"Liſtens delighted."†

Mr. Pope has not only ſuppoſed the actual exiſtence of this heavenly harmony, but that it is poſſible the human ear might have been ſo conſtituted as to have been ſenſible of it:—

"If Nature thunder'd in his opening ears,
"And ſtunn'd him with the muſic of the ſpheres;
"How would he wiſh that Heav'n had left him ſtill
"The whiſp'ring zephyr, and the purling rill?"‡

Thoſe who are in poſſeſſion of the firſt or ſecond edition of Thomſon's Seaſons, will find a groſs geographical miſtake in the hymn which is annexed to them. Towards the cloſe of this beautiful poem, the author expreſſes his pious confidence in the univerſal wiſdom and impartial benevolence of the Deity;

* Vid. Plin. lib. ii. cap. 22. Macrob. lib. ii. cap. 1. See alſo Maclaurin's Account of Sir Iſaac Newton's Philoſophical Diſcoveries, page 34.

† Paradiſe Loſt, book v. line 620.

‡ Eſſay on Man, epiſt. i. ver. 201.

and aſſerts, that the ſame regular ſeaſons, which he had deſcribed with ſuch fervour of delight in the preceding work, are equally experienced in every part of the globe.

- - - - - - "God is ever preſent, ever felt,
"In the void waſte, as in the city full;
"Roll the *ſame kindred ſeaſons* round the world,
"In all *apparent*, wiſe and good in all."

The two laſt lines are omitted in the ſubſequent editions of this poem.

The ſyſtem of PHILOSOPHY which is now received, independent of its ſuperiority in point of truth, infinitely exceeds in extent, elevation, and grandeur, that of the ancients. The poet, therefore, ſhould be well verſed in the ſcience of phyſics, not only becauſe he can ſeldom deviate from it,* without injury to his compoſitions, but becauſe they may derive from it ſublimity, embelliſhment, or grace. Aſtronomy, in

* In the following lines, the thought becomes low, by being unphiloſophical:

- - - - - - - - - - - - - "O thieviſh night,
"Why ſhould'ſt thou, but for ſome felonious end,
"In thy *dark lanthorn* thus cloſe up the ſtars
"That Nature hung in heaven, and filled their *lamps*
"With everlaſting *oil*." MILTON'S Comus.

The ſentiment is more brilliant, in a ſubſequent paſſage of this poem, but not more ſolid: and it is rendered abſurd by the leaſt reflection on the impoſſibility of ſinking the vaſt orbs of the ſun and moon in the ocean; or as it is here improperly ſtyled, the *flat ſea*:—

"Virtue could ſee to do what virtue would,
"By her own radiant light; though ſun and moon
"Were in the *flat ſea* ſunk."

particular, furniſhes ſuch magnificent ideas and boundleſs views, that imagination can hardly graſp, much leſs exalt or amplify them. "The objects which we "commonly call great," ſays an eminent writer, "vaniſh, when we contemplate the vaſt body of the "earth; the terraqueous globe itſelf is ſoon loſt in "the ſolar ſyſtem. In ſome parts it is ſeen as a diſtant "ſtar; in others it is unknown; or viſible only at "rare times, to vigilant obſervers. The ſun itſelf "dwindles into a ſtar; Saturn's vaſt orbit, and the "orbits of all the comets, crowd into a point, when "viewed from numberleſs ſpaces between the earth "and the neareſt of the fixed ſtars. Other ſuns "kindle light to illuminate other ſyſtems, where our "ſun's rays are unperceived; but they alſo are "ſwallowed up in the vaſt expanſe. Even all the "ſyſtems of the ſtars that ſparkle in the cleareſt ſky, "muſt poſſeſs a corner only of that ſpace, through "which ſuch ſyſtems are diſperſed: ſince more ſtars "are diſcovered in one conſtellation by the teleſcope, "than the naked eye perceives in the whole heavens. "After we have riſen ſo high, and left all definite "meaſures far behind us, we find ourſelves no nearer "to a term or limit; for all this is nothing to what "may be diſplayed in the infinite expanſe, beyond "the remoteſt ſtars that have hitherto been diſcovered."* This deſcription, though delivered in the chaſte language of a mathematician, is in ſen-

* Maclaurin's View of Sir Iſaac Newton's Diſcoveries, p. 16.

timent ſo truly ſublime, that it wants nothing but numbers to conſtitute it poetry; and in the following lines, it appears with all the charms of grace and harmony:

- - - - - - - - - - - - "Seiz'd in thought,
"On Fancy's wild and roving wing I ſail
"From the green borders of the peopled earth,
"And the pale moon, her duteous fair attendant;
"From ſolitary Mars; from the vaſt orb
"Of Jupiter, whoſe huge gigantic bulk
"Dances in ether, like the lighteſt leaf;
"To the dim verge, the ſuburbs of the ſyſtem,
"Where cheerleſs Saturn 'midſt his wat'ry moons,
"Girt with a lucid zone, majeſtic ſits
"In gloomy grandeur, like an exil'd queen
"Amongſt her weeping handmaids: fearleſs thence
"I launch into the trackleſs deeps of ſpace,
"Where burning round ten thouſand ſuns appear,
"Of elder beam; which aſk no leave to ſhine
"Of our terreſtrial ſtar, nor borrow light
"From the proud regent of our ſcanty day;
"Sons of the morning, firſt-born of creation,
"And only leſs than Him who marks their track,
"And guides their fiery wheels. Here muſt I ſtop?
"Or is there aught beyond? What hand, unſeen,
"Impels me onward, through the glowing orbs
"Of habitable nature; far remote,
"To the dread confines of eternal night,
"To ſolitudes of vaſt unpeopled ſpace,
"The deſerts of creation, wide and wild;
"Where embryo ſyſtems, and unkindled ſuns,
"Sleep in the womb of chaos! Fancy droops,
"And thought, aſtoniſh'd, ſtops her bold career."*

Homer, whoſe knowledge of the magnitude and diſtances of the heavenly bodies, muſt have been very

* Mrs. Barbauld's Evening Meditation.

confined, never diſplays a more glowing imagination, than when he introduces them to our notice. And no one can view his animated picture of a moonlight and ſtarry night, without feeling himſelf tranſported to the ſcene which it exhibits.

" As when the moon, refulgent lamp of night,
" O'er heaven's clear azure ſpreads her ſacred light;
" When not a breath diſturbs the deep ſerene,
" And not a cloud o'ercaſts the ſolemn ſcene;
" Around her throne the vivid planets roll,
" And ſtars unnumber'd gild the glowing pole;
" O'er the dark trees a yellower verdure ſhed,
" And tip with ſilver every mountain's head;
" Then ſhine the vales, the rocks in proſpect riſe,
" A flood of glory burſts from all the ſkies;
" The conſcious ſwains, rejoicing in the ſight,
" Eye the blue vault, and bleſs the uſeful light."*

Mr. Pope has tranſlated this paſſage with ſingular felicity; and perhaps it may be the faſtidiouſneſs of criticiſm to remark, that a *refulgent moon* is not compatible with *vivid* planets, and *glowing ſtars*; becauſe theſe fainter lights are eclipſed by the ſplendour of that luminary. But though Homer, probably, did not mean to introduce a full moon, as his commentator Euſtathius has obſerved, yet a judicious poet has choſen to leave this bright orb out of the evening ſcenery which ſhe has ſo admirably pourtrayed.

- - - - - - - - - " Nature's ſelf is huſh'd;
" And but a ſcatter'd leaf which ruſtles thro'
" The thick-wove foliage, not a ſound is heard
" To break the midnight air."

* Pope's Homer's Iliad, book viii. line 687.

- - - - - - - - - - " 'Tis now the hour
" When contemplation, from her ſunleſs haunts,
" Moves forward; and with radiant finger points
" Where, one by one, the living eyes of heav'n
" Awake, quick kindling o'er the face of ether
" One boundleſs blaze; ten thouſand trembling fires
" And dancing luſtres, where th' unſteady eye,
" Reſtleſs and dazzled, wanders unconfin'd
" O'er all this field of glories."*

It may be amuſing to contraſt the foregoing deſcriptions of the night with thoſe recorded by Mr. Macpherſon, in his tranſlation of the poems of Oſſian. Five bards, paſſing the night in the houſe of a Caledonian chief, went out ſeverally to make their obſervations; and returned with an extempore deſcription of the night, which, as appears from the poem, was in the month of October. I ſhall here recite part of the compoſition of the fourth bard, as it is moſt analogous to the paſſages above quoted.

" Night is calm and fair; blue, ſtarry, ſettled is " night. The winds, with the clouds, are gone. " They ſink behind the hill. The moon is upon the " mountain. Trees gliſter; ſtreams ſhine on the " rock. Bright rolls the ſettled lake; bright the " ſtream of the vale.

" The breezes drive the blue miſt ſlowly over the " narrow vale. It riſes on the hill, and joins its " head to heaven. Night is ſettled, calm, blue, " ſtarry, bright with the moon. Receive me not, " my friends; for lovely is the night."†

* Mrs. Barbauld's Evening Meditation.

† Oſſian's Croma, p. 255, 4to edition.

In ſouthern latitudes the HEAVENLY BODIES are far more reſplendent, than when viewed through the thick atmoſphere of Britain. It is ſaid, that in Jamaica, the *milky way* is tranſcendently bright; and that the planet Venus appears like a little moon, glittering with ſo vivid a beam, as to render viſible the ſhadows of trees, buildings, and other objects.* The ſetting ſun, in that iſland, exhibits a ſpectacle peculiarly auguſt. His apparent circumference being enlarged by his ſtation in the horizon, and the refraction of the rays of light retaining in view his glorious orb, he ſeems to reſt awhile from his career, on the ſummit of the mountains. Then he ſuddenly vaniſhes, leaving a train of ſplendour, that ſtreaks the clouds with the moſt lively and variegated tints which fancy can conceive.† In deſcribing ſuch a ſpectacle as this, the majeſty of the great luminary generally abſorbs the whole attention of the poet; and he takes little notice of the effect of the ſun's declination on terreſtrial objects: yet it is certain, that a landſcape of ſmall extent never appears more beautiful than at the cloſe of a ſummer's day. Several cauſes then conſpire to give a richneſs to the ſcene, and no one ſo powerfully as the heightened verdure of the herbage, ariſing probably from the combination of blue and yellow colours, reflected at the ſame time, from the golden clouds and azure ſky. Perhaps the increaſed refraction and ſoftened luſtre of the evening rays of light may alſo contribute to this effect. For

* Hiſt. of Jamaica, book ii. p. 371. † Ibid. 372.

the herbage at that time appears not only more green, but more copious too; inſomuch that a paſture, which looks *bare* at noon, ſeems to abound in graſs at ſun-ſet. When thick black vapours hover about the weſtern ſun, and preſent only ſmall illumined edges, I have obſerved a circle of green ſurrounding his diſk; an appearance which I know not how to account for, but from the union above deſcribed of blue and yellow rays. This phœnomenon I ſaw in great perfection, as I was lately travelling over the mountains which divide the counties of Lancaſter and York. The day was wet and ſtormy; and the war of elements which I beheld gave me ſome faint idea of what is experienced on the Alps and Andes; where the traveller views clouds at his feet, and corruſcations of lightning darting on all ſides below him. Numberleſs meteors, which are unknown on the plain, preſent themſelves to his aſtoniſhed ſight; ſuch as circular rainbows, parhelia, the ſhadow of the mountain projected on the air, and his own image adorned with a kind of glory round the head.* How tremendous is the account which Don Ulloa has given of his ſtation on the top of Cotopaxi, a mountain in Peru, more than three geographical miles above the level of the ſea. Here he was ſtationed a conſiderable length of time, for the purpoſe of meaſuring a degree of the meridian; and the hardſhips which he ſuffered from the intenſeneſs of the cold,

* Ulloa, vol. i. Acad. Par. 1744. Prieſtley on Light and Colours, page 599, &c.

and the ſtorms to which he was expoſed, almoſt exceed belief. "The ſky," ſays he, "was generally ob-"ſcured with thick fogs; but when theſe were diſ-"perſed, and the clouds moved by their gravity "nearer the ſurface of the earth, they ſurrounded "the mountain to a vaſt diſtance, repreſenting the "ſea, with our rock like an iſland in the centre of it. "When this happened, we heard the horrid noiſes "of the tempeſts which diſcharged themſelves on "Quito, and the neighbouring countries. We ſaw "the lightnings iſſue from the clouds, and heard the "thunders roll far beneath us. And whilſt the "lower regions were involved in tempeſts of thunder "and rain, we enjoyed a delightful ſerenity. The "wind was huſhed, the ſky clear, and the enlivening "rays of the ſun moderated the ſeverity of the cold."* How would a ſcene like this have been felt and deſcribed by the poet, of whom it is ſaid,

- - - - - - - - - - - - "When lightning fires
"The arch of heaven, and thunders rock the ground;
"When furious whirlwinds rend the howling air,
"And ocean, groaning from his loweſt bed,
"Heaves his tempeſtuous billows to the ſky:
"Amid the mighty uproar, while below
"The nations tremble, Shakeſpeare looks abroad
"From ſome high cliff, ſuperior, and enjoys
"The elemental war."†

The awful and gloomy grandeur of the mountainous ſcenery of Peru is, perhaps, leſs favourable to the

* Ulloa's Voyage, vol. i. p. 231.

† Akenſide's Pleaſures of Imagination, book iii. line 590.

deſcriptive powers of the poet, than the proſpects which ſome of the Alpine countries of Europe afford. In the cultivated diſtricts of Switzerland particularly, the views furniſh the happieſt combination of the ſublime and beautiful. And I ſhall give a ſhort abſtract of the obſervations made by a late traveller on the Mole, a mountain which riſes near five thouſand feet above the lake of Geneva, and is ſituated about eighteen miles eaſtward of that city. "In my aſcent," ſays Sir George Shuckburgh, "I ſaw the ſun riſing "behind one of the neighbouring Alps, with a moſt "beautiful effect; and the ſhadow of the mountain "we were then upon extended fifteen or twenty miles "weſt. Before me, at ſome diſtance, was ſpread the "plain, in which lay Geneva and the lake; behind "me roſe the Dole, and the long chain of Mont "Jura. A little to the left, and much nearer, lay "Mont Saleve, which, from this height, appeared an "inconſiderable hill. To the right and left nothing "but immenſe rocks and pointed mountains of every "poſſible ſhape, forming tremendous precipices. In "the vale beneath, ſeveral little hamlets, and the "moſt beautiful paſturages, with the river Arve "winding and ſoftening the ſcene. From whence "aroſe a thick evaporation, collecting itſelf into "clouds, which on the lake, that was quite covered "with them, had the appearance of a ſea of cotton; "the ſun's beams playing on the upper ſurface of "them with thoſe tints which are ſeen in a fine "evening. To the ſouth-weſt appeared the lake of

" Annecy; behind us lay the Glacieres, and amongſt " them, towering above all the reſt, ſtood Mont " Blanc. The circumference of the horizon might " be about two hundred Engliſh miles; and though " not one of the moſt extenſive, yet certainly one of " the moſt varied in the world."*

It is with a reluctance, ſimilar perhaps to what this philoſophical traveller experienced when he deſcended from the Mole, that I quit the imaginary viſion of this enchanting ſcene. But it is neceſſary to remark, that however ſtriking ſuch complex and ſublime repreſentations may be, they can only be introduced occaſionally by the poet; whoſe talents for deſcription ſhould be chiefly exerciſed in the judicious ſelection and picturesque diſplay of ſmall groups, or individual objects. Like the magnet, he muſt draw forth what is valuable, even from the rudeſt materials; and nicely diſcriminate in every ſurrounding object thoſe attributes which can be rendered ſubſervient to his art. We are informed that Thomſon was wont to wander whole days and nights in the country: and in ſuch ſequeſtered walks he acquired, by the moſt minute attention, a knowledge of all the myſteries of nature. Theſe he has wrought into his Seaſons with the colouring of Titian, the wildneſs of Salvator Roſa, and the energy of Raphael.

Milton appears to have been no leſs familiar with nature than Thomſon, and equally happy in his por-

* Philoſoph. Tranſ. 1777, p. 536.

traits of her moſt pleaſing forms. He catches every diſtinguiſhing feature; and gives to what he deſcribes ſuch glowing tints of life and reality, that we have it, as it were, in full view before our eyes. How perfect is the image in the following lines!

- - - - - - - - - - "The ſwan, with *arched neck*
"Between her *white wings mantling*, *proudly rows*
"Her ſtate, with *oary feet*."*

Indeed the whole account of the creation, which the Archangel relates to Adam, is ſo engaging and pictureſque, that it would fully refute the criticiſm of a learned Italian, if the poem contained no other beauties of a ſimilar kind. "The poets beyond the Alps," ſays Abbé Winckelmann, "ſpeak *figuratively*, but "without *painting*. The ſtrange and ſometimes ter-"rifying figures, which conſtitute almoſt all the "grandeur of Milton, are by no means the *objects* of "a *pencil*, but rather ſeem beyond the reach of "*painting*."† Surely the deſcription of the ſwan, above recited, might be copied on the canvas, by any artiſt of tolerable genius. As Milton derived his knowledge of this beautiful bird from actual obſervation, he has not fallen into the error of the ancient poets, who have almoſt univerſally aſcribed to it a muſical voice. Callimachus terms it, "Apollo's "tuneful ſongſter;" and Horace compliments Pindar

* Paradiſe Loſt, book vii. line 438.

† Hiſtoire des l'Arts chez les Anciens.

with the epithet "*Dircæan ſwan.*"* Such impropriеties clearly evince the importance of natural knowledge to the poet.

The polity of Rooks is almoſt conſtituted with as much order and wiſdom as that of ants, bees, and beavers; and their attachment to places contiguous to the dwellings of men not only affords us frequent opportunities of obſerving them, but intereſts us at the ſame time in their well-being and preſervation. Theſe birds, therefore, furniſh the poet with various topics for the diſplay of his art; and the following incident, by a little colouring, might be wrought into a pathetic picture. A large colony of rooks had ſubſiſted many years in a grove, on the banks of the river Irwell, near Mancheſter. One ſerene evening, I placed myſelf within the view of it, and marked with attention the various labours, paſtimes, and evolutions of this crowded ſociety. The idle members amuſed themſelves with chacing each other, through endleſs mazes; and in their flight they made the air reſound with an infinitude of diſcordant noiſes. In the midſt of theſe playful exertions, it unfortunately happened that one rook, by a ſudden turn, ſtruck his beak againſt the wing of another. The ſufferer inſtantly fell into the river. A general cry of diſtreſs

* "*Multa Dircæum levat aura cycnum*
"*Tendit, Antoni, quoties in altos*
"*Nubium tractus.*" Ode II. lib. iv.

In the addreſs to Melpomene, he ſays,

"*O mutis quoque piſcibus*
"*Donatura cycni, ſi libeat, ſonum.*" Ode III.

enſued. The birds hovered, with every expreſſion of anxiety, over their diſtreſſed companion. Animated by their ſympathy, and perhaps by the language of counſel, known to themſelves, he ſprung into the air, and by one ſtrong effort, reached the point of a rock, which projected into the water. The exultation became loud and univerſal; but, alas! it was ſoon changed into notes of lamentation: for the poor wounded bird, in attempting to fly towards his neſt, dropt again into the river, and was drowned amidſt the moans of his whole fraternity.

The habitudes of the domeſtick breed of POULTRY cannot poſſibly eſcape obſervation: and every one muſt have noticed the fierce jealouſy of the cock,

> "Whoſe breaſt with ardour flames, as on he walks,
> "Graceful, and crows defiance."*

It ſhould ſeem that this jealouſy is not confined to his rivals, but may ſometimes extend to his beloved female: and that he is capable of being actuated by revenge, founded on ſome degree of reaſoning concerning her conjugal infidelity. An incident which lately happened at the ſeat of Mr. B******, near Berwick, juſtifies this remark. "My mowers," ſays he, "cut a partridge on her neſt, and immediately "brought the eggs (fourteen) to the houſe. I "ordered them to be put under a very large beautiful "hen, and her own to be taken away. They were "hatched in two days, and the hen brought them

* Thomſon's Spring, line 772.

"up perfectly well till they were five or ſix weeks "old. During that time they were conſtantly kept "confined in an outhouſe, without having been ſeen "by any of the other poultry. The door happened "to be left open, and the cock got in. My houſe-"keeper, hearing her hen in diſtreſs, ran to her "aſſiſtance, but did not arrive in time to ſave her life. "The cock finding her with the brood of partridges, "fell upon her with the utmoſt fury, and put her to "death. The houſekeeper found him tearing her "both with his beak and ſpurs, although ſhe was "then fluttering in the laſt agony, and incapable of "any reſiſtance. The hen had been formerly the "cock's greateſt favourite."

A writer of no inconſiderable merit,* has employed his muſe on a ſubject highly intereſting to the Engliſh reader, in a didactic poem entitled the *Fleece*. In this work, whatever relates to the management of ſheep, and the manufacture of wool, is largely diſcuſſed; and the whole is adorned by the introduction of rural imagery and amuſing digreſſions. But the performance might have been rendered much more entertaing, if it had comprehended a fuller account of the natural hiſtory of the ſheep; and had diſplayed a nicer attention to the peculiar and pleaſing character of that innocent animal, and of her ſportive offspring. One fact ſhould not have been omitted in ſuch a narrative; and I wonder it eſcaped Mr. Dyer's obſervation. I am informed, that after the dam has

* Mr. Dyer.

been ſhorn, and turned into the fold to her lambs, they become eſtranged to her; and that a ſcene of reciprocal diſtreſs enſues; which a man of lively imagination and tender feelings might render highly intereſting and pathetic. The poor ſheep, when undergoing the operation of waſhing, and alſo when ſtripped of her warm and graceful covering, is in both circumſtances, a ſpectacle of pity, and a proper object of poetical amplification. Had Mr. Sterne been the author of the Fleece, he would perhaps have introduced the following little epiſode. "Dear Sen-
"ſibility; thou ſometimes inſpireſt the rough peaſant,
"who traverſes the bleakeſt mountains.—He finds
"the lacerated lamb of another's flock. This mo-
"ment I beheld him, leaning his head againſt his
"crook, with piteous inclination looking down upon
"it.—Oh! had I come one moment ſooner!—It
"bleeds to death.—His gentle heart bleeds with it.
"Peace to thee, generous ſwain; I ſee thou walkeſt
"off with anguiſh; but thy joys ſhall balance it.
"For happy is thy cottage;—and happy is the ſharer
"of it;—and happy are the lambs which ſport about
"thee!"

Smoke, iſſuing from the chimney of a retired cottage ſhaded with trees, is a pleaſing object. The waving line of beauty, in which it gradually aſcends, and the ſucceſſion of graceful forms which it aſſumes, before it is loſt in the atmoſphere, adapts it to poetical deſcription or compariſon, as well as to the canvas of the painter. Mr. Dyer, in the poem above re-

ferred to, has thus repreſented its appearance, and aſſociated with it ideas of comfort and plenty, which tend to heighten the complacency of the beholder.

" Yet your mild homeſteads, ever blooming, ſmile
" Among embracing woods, and waft on high
" The breath of plenty, from the ruddy tops
" Of chimneys, curling o'er the gloomy trees,
" In airy azure ringlets, to the ſky."*

The FLOATING MISTS, which are ſeen on the tops and ſides of hills, often put on a variety of agreeable ſhapes and colours. They conſtitute an intereſting part of the ſcenery of Oſſian's poems; and are introduced with peculiar propriety, as objects which, in a mountainous country, were continually within the view of his *dramatis perſonæ*. " The miſt of Cromla " curls upon the rock, and ſhines to the beam of the " weſt. The ſoft miſt pours over the ſilent vale. " The green flowers are filled with dew. The ſun " returns in his ſtrength; and the miſt is gone." Theſe beautiful forms ſuggeſt to a devout mind, converſant with the writings of Milton, part of Adam's morning invocation:

" Ye miſts and exhalations, that now riſe
" From hill or ſteaming lake, duſky or grey,
" Till the ſun paint your fleecy ſkirts with gold,
" In honour to the world's great Author riſe;
" Whether to deck with clouds th' uncolour'd ſky,
" Or wet the thirſty earth with falling ſhowers,
" Riſing or falling, ſtill advance his praiſe."†

The expreſſion *ſteaming lake*, in the ſecond line, is uſed with the ſtricteſt philoſophical truth. Thomſon

* Dyer's Fleece, book i. line 509. † Milton, book v.

has applied the ſame epithet, with equal juſtneſs, to that inteſtine motion in the earth, by which Divine Providence

> "Works in the ſecret deep, ſhoots *ſteaming* thence
> "The fair profuſion, that o'erſpreads the ſpring."

For it appears, from ſome late experiments, that ſixteen hundred gallons of water riſe by evaporation, from an acre of ground, within the ſpace of twelve hours, of a ſummer's day.*

An inattentive obſerver of nature would hardly remark the CURVILINEAR DIRECTION in the motion of animals. Yet certain it is, that neither birds, fiſhes, inſects, quadrupeds, nor men, ever move long in a ſtraight line. The final cauſe of this ſeems to be, that eaſe may be alternately given to the muſcles, on the right and on the left ſide of the body. When the muſcles of the right ſide are in a ſtate of vigorous exertion, the direction of the body will incline that way; and when they require relief, thoſe of the left ſide come into action, and produce an oppoſite effect. Whoever follows a draught horſe heavily laden will perceive the truth of this obſervation. And it is not more apparent on the beaten highway, than in the ſheep-tracks on the heath, and in the paths, worn by the paſſage of cattle to their watering-places. Hence it is a rule in the art of gardening, that walks and pleaſure-grounds ſhould be ſerpentine: as that form is moſt agreeable to nature,

* Watſon's Chemical Eſſays, vol. iii. p. 52.

and therefore moſt conſonant to an elegant and improved taſte.

Milton makes frequent mention of the FLAMING SWORDS, borne by the angelic ſpirits, and particularly by the cherubim, who were ſtationed at the gate of Paradiſe:

> " And on the eaſt ſide of the garden, place,
> " Where entrance up from Eden eaſieſt climbs,
> " Cherubic watch; and of a ſword, the flame
> " Wide waving, all approach far off to fright,
> " And guard all paſſage to the tree of life."
>
> PARADISE LOST, book xi. l. 120.

If the poet had been acquainted with the modern diſcoveries in electricity, he might perhaps have ſeized this occaſion of exerting his ſuperior talents for deſcription, by a more minute and pictorial diſplay of *the ſword of flame wide waving*. The reader at leaſt may aſſiſt his imagination to conceive a more lively idea of it, by the following beautiful experiment.

Make a torricellian *vacuum*, in a glaſs tube, about three feet long, and ſeal it hermetically. Let one end of this tube be held in the hand, and the other applied to the electrical conductor; and immediately the whole tube will be illuminated, and when taken from the conductor, will continue luminous for a conſiderable time. If it be then drawn through the hand, the light will be uncommonly intenſe, from end to end, without the leaſt interruption. After this operation, which diſcharges it in a great meaſure, it will ſtill flaſh at intervals, though held only at one extremity, and quite ſtill. But if it be graſped by

the other hand at the ſame time in a different place, ſtrong flaſhes of light will dart from one extremity to the other, and continue to do ſo twenty-four hours, or perhaps longer, without freſh excitation.*

The foregoing experiment was made by Mr. Canton, to elucidate the nature of the Aurora Borealis, a phenomenon well ſuited to exerciſe the fancy of the poet. But ſtill more congenial to him are thoſe illuſive meteors, which ſometimes occur in northern climates; and which literally give "to airy "nothing a local habitation and a name."—"I was "never more ſurprized," ſays Crantz, in his Hiſtory of Greenland, "than on a fine warm ſummer's "day to perceive the iſlands, that lie four leagues "weſt of our ſhore, putting on a form quite different "from what they are known to have. As I ſtood "gazing upon them, they appeared at firſt infinitely "greater than what they naturally are; and ſeemed as "if I viewed them through a large magnifying glaſs. "They were thus not only made larger, but brought "nearer to me: I plainly deſcried every ſtone upon "the land, and all the furrows filled with ice. "When this deception had laſted for a while, the "proſpect ſeemed to break up, and a new ſcene of "wonder to preſent itſelf. The iſlands ſeemed to "travel to the ſhore, and repreſented a wood, or "a tall cut hedge. The ſcene then ſhifted, and "ſhewed the appearance of all ſorts of curious "figures; as ſhips with ſails, ſtreamers, and flags,

* See Dr. Prieſtley's Hiſt. of Electricity, p. 540.

"antique elevated caſtles with decayed turrets; and "a thouſand forms, for which fancy found a reſem- "blance in nature. When the eye had been ſatis- "fied with gazing, the whole group ſeemed to riſe in "air, and at length vaniſh into nothing. At ſuch "times the air is quite ſerene and clear, but compreſt "with ſubtile vapours; and theſe, appearing between "the eye and the object, give it all that variety of "appearances, which glaſſes of different refrangibi- "lities would have done."*

Thomſon, in his Caſtle of Indolence, refers to appearances ſomewhat ſimilar, in the weſtern iſles of Scotland:—

"As when a ſhepherd of the Hebrid iſles,
"Plac'd far amid the melancholy main,
"(Whether it be lone fancy him beguiles,
"Or that aërial beings ſometimes deign
"To ſtand embody'd to our ſenſes plain,)
"Sees on the naked hill or valley low,
"The whilſt in ocean Phœbus dips his wain,
"A vaſt aſſembly moving to and fro,
"Then all at once in air diſſolves the wondrous ſhew."

However marvellous ſuch narratives may appear to a phlegmatic reader, they will not ſeem incredible to the poet; whoſe fancy can form a ſtill brighter and more gay creation, without the aid of aërial refractions or reflections. And if theſe fictions deviate not too far from veriſimilitude, they agreeably agitate the mind with the mixed emotions of ſurprize and delight. But in delineations of nature, they have no legitimate place; and the judgment rejects with

* See Goldſmith's Hiſtory of the Earth, vol. i.

diſguſt whatever falſifies the truth of deſcription by its obvious incongruity. Myrtle groves, perennial ſprings, unfading flowers, and odoriferous gales, the hackneyed Arcadian ſcenery, accord not with an Engliſh landſcape. And equally unſuitable to our climate, and to the views of this country, are the ſpicy beauties and pearly treaſures of the Eaſt. Yet Milton, in his Comus, thus addreſſes the goddeſs of the Severn:

> "May thy billows roll aſhore
> "The beryl, and the golden ore!
> "May thy lofty head be crown'd
> "With many a tower, and terrace round;
> "And here and there, thy banks upon,
> "With groves of myrrh and cinnamon."

But the poet is not upon all occaſions to be confined within the preciſe boundaries of truth. What writer, of lively fancy, in deſcribing a morning walk on the banks of Keſwick, would not embelliſh the beauty of the ſcene by the MELODY of BIRDS; and thus add the charms of muſic to all the enchantments of viſion? Yet, I believe, there is not a feathered ſongſter to be found in thoſe delightful vales; probably, owing to the terror inſpired by the birds of prey, which abound on the mountains that ſurround them. The ſame obſervation will perhaps juſtify the author of the DESERTED VILLAGE, when he attempts to magnify the horrors of an American wilderneſs, by introducing the tiger into the tremendous group; though this animal has never yet been found in the Britiſh tranſatlantic ſettlements:

" Thoſe pois'nous fields, with rank luxuriance crown'd,
" Where the dark ſcorpion gathers death around;
" Where, at each ſtep, the ſtranger fears to wake
" The rattling terrors of the vengeful ſnake;
" Where *crouching tigers* wait their hapleſs prey,
" And ſavage men, more murd'rous ſtill than they;
" While oft in whirls the mad tornado flies,
" Mingling the ravag'd landſcape with the ſkies."

I cannot cloſe this Eſſay, without making an apology for the freedom of my ſtrictures on poetical demerit: and I feel a peculiar diffidence with reſpect to the animadverſions on a poet, who is juſtly the boaſt and glory of Britain. To pluck a leaf from the brow of Milton, may be deemed a ſacrilegious attempt to injure the laurels of our country. Should it not, however, be recollected, that error is moſt dangerous, when dignified by high example; and that it is no diſparagement to genius, however exalted, to aſcribe to it ſome portion of that imperfection, which is the common allotment of humanity?

ON THE

INTELLECTUAL AND MORAL CONDUCT

OF

EXPERIMENTAL PURSUITS.

HOMO, NATURÆ MINISTER ET INTERPRES, TANTUM FACIT ET INTELLIGIT, QUANTUM DE NATURÆ ORDINE, RE VEL MENTE, OBSERVAVERIT; NEC AMPLIUS SCIT, AUT POTEST.

BACON, NOV. ORGAN. APH. I.

ON THE

INTELLECTUAL AND MORAL CONDUCT

OF

EXPERIMENTAL PURSUITS.*

THE very learned and ingenious author of Hermes† has ſtigmatized the purſuits of modern philoſophy, by treating them as mere *experimental amuſements;* and charging thoſe who are engaged in ſuch purſuits, with deeming nothing *demonſtration*, that is not made *ocular*. Thus, inſtead of aſcending from *ſenſe* to *intellect*, the natural progreſs of all true learning, he obſerves, that the philoſopher hurries into the midſt of ſenſe, where he wanders at random, loſt in a labyrinth of *infinite particulars*. It would be eaſy to retaliate on this celebrated writer, by pointing out the futility of the ſyllogiſtic mode of philoſophizing, inſtituted by his favourite Ariſtotle. I might

* Read before the Literary and Philoſophical Society of Manchester, and inſerted in the ſecond volume of their Memoirs.

† See a philoſophical enquiry concerning Univerſal Grammar, by James Harris, eſq; p. 361.

alſo oppoſe to his authority that of Lord Verulam, the brighteſt luminary of ſcience, who objects in the ſtrongeſt terms againſt that reverence for ſpeculations purely intellectual, "by means whereof," as he expreſſes himſelf, "men have withdrawn too "much from the contemplations of nature, and the "obſervations of experience, and have tumbled up "and down in their own reaſon and conceits. Upon "theſe intellectualiſts, who are notwithſtanding com-"monly taken for the moſt ſublime and divine philo-"ſophers, Heraclitus gave a juſt cenſure, ſaying, *men "ſought truth in their own little worlds, and not in "the great and common world.*"*

But, without depreciating metaphyſics, a ſcience which I have always ſtudied with delight, and which invigorates the faculties of the mind, and gives preciſion and accuracy to our rational inveſtigations, by inſtructing us in the nicer diſcriminations of truth and falſehood, no doubt ought to be entertained of the high importance and dignity of natural knowledge. To this we owe the neceſſaries, the conveniences, and all the gratifications of our being; and in the purſuit of it the underſtanding is exerciſed and improved, and the moral affections are elevated to ſuperior degrees of piety towards our great and beneficent Creator. Nor is modern philoſophy liable to the charges which have been thus contumelioufly brought againſt it. For, I truſt, it has been conducted on the principles of genuine *logic*, by all its more diſtinguiſhed

* Bacon of the Advancement of Learning, book i. p. 20.

profeſſors, who have been ſedulouſly careful firſt to eſtabliſh ſound premiſes, and then to deduce juſt concluſions.

The immortal Newton, from an appearance which we daily obſerve, the fall of bodies to the ground, aſcended by patient inveſtigation, and by a regular gradation of evidence, to the great law of gravity: and having aſcertained this general principle, he extended it over the univerſe; explaining by it not only the phænomena of our globe, but the revolutions of the whole planetary ſyſtem. By the ſucceſſive adoption of the ſame *analytic* and *ſynthetic* mode of reaſoning, he demonſtrated his beautiful theory of light and colours. Numberleſs other ſubſequent diſcoveries have been conducted on the ſame ſcientific plan, as might be evinced by references to the writings of our own and foreign philoſophers.

Even the chemiſts have long ſince deſerted their jargon and myſterious conceits; and they now carry on their reſearches in a perſpicuous and rational manner. That unknown principle, phlogiſton, to which they referred ſo many operations of nature, explaining, as the logicians expreſs it, *ignotum per ignotius*, has been lately ſhewn to be no creature of the imagination; and may be exhibited to the ſenſes, under the form of inflammable air. Fire, ſubtle as it is in its activity, and univerſal in its energy, has been traced through all its modifications, meaſured by different ſtandards, and reduced to known, preciſe, and permanent laws. It is therefore no juſt complaint,

that intelligent principles are neglected, and that empyriciſm in phyſics is honoured with excluſive encouragement. Yet, in the prevailing rage for experiments, it cannot be unſeaſonable to caution the young adventurer, not to deem the microſcope, the retort, or the air-pump, unerring guides to truth; but to proſecute his reſearches into nature with a modeſt conviction of the fallacy of his ſenſes, and the limited powers of his underſtanding. "You will wonder," ſays Mr. Boyle in the preface to his eſſays, "that I "ſhould uſe ſo often *perhaps*, *it ſeems*, *'tis not im-* "*probable;* words which argue a diffidence of the "truth of the opinions I incline to. But I have "hitherto not unfrequently found, that what pleaſed "me for a while, was ſoon after diſgraced by ſome "further or new experiment."

Mr. Bewley, an eminent chemiſt, not long ſince informed me, that he concluded the preſence of the vitriolic acid to be unneceſſary to produce the ſpontaneous accenſion of Homberg's pyrophorus; and delivered this opinion to the public, on the evidence of at leaſt fifty different trials.* Yet, with minerals taken from the ſame bottle, the experiment afterwards failed nearly as often, though the minuteſt circumſtances in the proceſs were as much alike as attention could render them. Contrarieties, equally humiliating, have often occurred in my own philoſophical purſuits. But the moſt inſtructive leſſon of modeſty

* See Prieſtley on Air, vol. iii. Appendix, p. 395.

and reſerve, which I recollect in the courſe of my experience, is the one I ſhall now briefly recite.

The favourable influence of fixed air on vegetation I believed to have been aſcertained by more than a hundred experiments, which I made in the year 1775. Many of theſe experiments were repeated afterwards by Mr. Henry, Mr. Bew, and others. But Dr. Prieſtley, whoſe accuracy and fidelity are not leſs diſtinguiſhed than his learning and ingenuity, has ſince drawn concluſions from the proſecution of this ſubject, which militate totally with mine. I reſumed the enquiry, and engaged ſeveral of my friends in it. The reſult of all our trials was uniformly the ſame, viz. that fixed air, in a due proportion, is ſo favourable to vegetable growth, that it may juſtly be deemed a *pabulum* of plants. Dr. Prieſtley's ſubſequent experiments, however, were ſtill contradictory to mine: and in one of his friendly letters to me, he thus expreſſes himſelf:—"In all theſe caſes you will ſay, I "choak the plants with too great a quantity of *whole-* "*ſome* nouriſhment: and to all yours I ſay, you do "not give them enough of the *noxious matter* to kill "them. Thus the amicable controverſy muſt reſt "between us; and like all other combatants, we "ſhall both ſing TE DEUM." But I felt little diſpoſition to exultation on ſuch an occaſion, and dropt the ſubject; conſcious that though nature be always the ſame, we often view her under fallacious appearances. Time, however, and the reſearches of foreign philoſophers have thrown new lights on this diſputed point.

And I am informed, by a letter from our common friend, Mr. Vaughan, that Dr. Prieſtley now admits the ſalubrity of fixed air to vegetable life. I ſhall copy the paragraph which contains the account. "Dr. Prieſtley tells me of a very valuable book, writ-"ten by a perſon of Geneva, on vegetation; parti-"cularly as to the influence of light, which he main-"tains to be a phlogiſticating proceſs, acting on the "reſinous parts of plants only. He alſo affirms, to "the ſatisfaction of Dr. Prieſtley, that not only phlo-"giſton is the grand pabulum of plants, but that its "predominant form of reception is that of fixed air; "which, in a proper degree and place of application, "he ſhews to be ſalutary to all plants whatever."

Differences in the reſults of our inquiries, or in thoſe of others, whilſt they incite attention, and guard us againſt confidence and preſumption, ſhould neither diminiſh the veneration due to philoſophy, nor repreſs our temperate ardour in the purſuit of truth. We ſhould recollect, that though the operations of nature are ſimple, uniform, and regular, they are only diſcovered to be ſuch, when fully unfolded to our underſtandings: and that, when we endeavour to trace her laws by artificial arrangements, combinations, or decompoſitions, which is all that *experiment* can accompliſh,* ſucceſs may be ſometimes fruſtrated by circumſtances ſo minute, as to elude the moſt ſaga-

* Ad opera nil aliud poteſt homo, quam ut corpora naturalia admoveat, et amoveat; reliqua natura ipſa intus tranſigit.—Bacon, Nov. Organ.

cious obſervation. From the hiſtory of electricity it appears, that the gentlemen firſt engaged in the culture of that ſcience aſcribed oppoſite effects to the uſe of boiling water in the Leyden phial. M. Jallabert, of Geneva, and others, invariably found that the electric powers of the bottle were increaſed by the water; whereas Meſſrs. Kinnerſly, Nollet, and Watſon, experienced the reverſe, in all their trials. It has ſince been ſhewn that the jarring deciſions of thoſe learned men were owing to the difference in the action of boiling water on the ſeveral kinds of glaſs employed. Contradictory opinions are now held by two very celebrated chemiſts concerning the nature of ſteel; one aſſerting that its phlogiſtion is augmented, the other that it is diminiſhed, in the proceſs by which it is made. Both appeal to experiment in ſupport of their opinions; and as the point in diſpute is of importance to the arts, it merits a more complete and ſatisfactory inveſtigation.

To theſe examples I ſhall add another, in which I have myſelf been particularly intereſted. The Rev. Dr. Hales, whoſe experimental inquiries were generally directed to the good of his fellow-creatures, diſcovered a lithontriptic power in certain fermenting mixtures. But he acknowledges the impracticability of injecting ſuch mixtures into the bladder, with ſufficient frequency, to diſſolve the ſtone; and recites his experiments chiefly with a view to engage others in the ſame laudable and important purſuit. The ſubject however ſunk into oblivion, and no further

attempts of this kind were made, till the notice of the public was again excited towards the properties and uſes of factitious air, by the writings of various learned and ingenious men. At this time (1774) Dr. Saunders, a phyſician in London, eminent for his knowledge of chemiſtry, renewed the experiments which Dr. Hales had begun, and found that the ſolvent power, aſcribed to the fermenting mixtures, reſided only in the fixed air. Hearing ſome very imperfect accounts of this diſcovery, curioſity and humanity engaged me in the purſuit of it. I recollected that Dr. Black and Mr. Cavendiſh had proved the ſolubility of various earthy bodies in water, either by abſtracting from or ſuperadding to the fixed air which they contain. And as the human calculus is diſſolved in the former way, by lime-water and the cauſtic alkali, it appeared to me highly probable, that the effect would be produced in the ſame ſubſtance by the latter mode of operation. Analogy ſeemed favourable to the hypotheſis, and a ſeries of experiments, which I made with great care, in the fulleſt manner confirmed it. Two years afterwards Dr. Falconer engaged in the ſame inquiry, and the reſults of his trials exactly coincide with thoſe which I have related. This united evidence has been alſo ſtrengthened by the ſubſequent teſtimony of Dr. Prieſtley and Dr. Hulme. Yet deciſive as it appears to be, a friend of mine, who is a very able and accurate experimenter, aſſures me, that the *calculi*, which he has tried, uniformly reſiſt the action of mephitic water: and he further adds,

that not one of them has been found to contain a ſingle grain of abſorbent earth; but that all of them proved inflammable, like gall-ſtones. Dr. Heberden has alſo favoured me with ſimilar information reſpecting their analyſis. On the other hand, I have ſhewn that theſe ſubſtances vary in their ſtructure and compoſition; that calcination converts ſome into quicklime; that others are conſumed entirely in the fire; and that a third ſort yield, after burning, an inſipid reſiduum, incapable of giving any impregnation to water.* What then are we to infer from premiſes, apparently ſo inconſiſtent? Let us deduce from them theſe ſalutary leſſons; that dogmatiſm is unbecoming a philoſopher; that fallacy may attend our cleareſt views; and that unperceived diverſities in the ſubjects of our inveſtigation may render truth compatible with contrariety of evidence.

An eagerneſs to eſtabliſh ſyſtems, and a faſtidious diſdain of perplexity, contradiction, or diſappointment, are diſpoſitions highly unfavourable to phyſical inveſtigation. Lord Bacon has well obſerved, "that one "who begins with certainties, ſhall end in doubts; "but if he will be content to begin with doubts, he "ſhall end in certainties."† The progreſs of ſcience is uſually ſlow and gradual; and in all ordinary caſes the *race is not to the ſwift*, but to the ſteady, the patient, and the perſevering. A man of lively parts and

* Philoſoph. Medic. and Experim. Eſſays.

† Advancement of Learning, book i. p. 20.

fertile imagination generally engages in philoſophical reſearches with too much impetuoſity; and if he be fortunate in the attainment of a few leading facts, he ſupplies all remaining deficiencies by conjecture and hypotheſis. But ſhould his career be obſtructed by contradictory phænomena, he quits the ſtudy of nature with diſguſt, and concludes that all is uncertainty, becauſe he has had the mortification to find himſelf miſtaken. A ſcepticiſm like this, founded in pride and indolence, is equally ſubverſive both of ſpeculation and of action. We can apply to no branch of human learning which is ſecure from illuſion, or exempt from controverſy; nor engage in any plan of life with undeviating judgment, and uninterrupted ſucceſs. So true is the ſentiment of the Roman poet:

" Nunquam quiſquam ita bene ſubducta ratione ad vitam fuit,
" Quin res, ætas, uſus, ſemper aliquid apportet novi;
" Aliquid admoneat: ut illa, quæ te ſcire credas, neſcias,
" Et quæ tibi putaris prima in experiundo repudies."

TERENT.

But as diſappointments in life often furniſh the beſt leſſons of wiſdom, ſo thoſe in philoſophy may frequently be applied to the promotion of ſcience. In experimental purſuits, which are not undertaken at random, but with conſiſtent and rational views, we neceſſarily form a preconception of the induction to be eſtabliſhed. If the trials ſucceed in which we are engaged, our end is obtained, and for the moſt part we reſt ſatisfied. But if the proofs fail, ſome unexpected phænomena often occur, which awaken our attention,

ſuggeſt new analogies, and excite us perhaps to the inveſtigation of other propoſitions of more importance than the antecedent ones. The very intereſting and comprehenſive diſcoveries of Dr. Black, concerning the nature of calcareous earths, and alkaline ſalts, in their different ſtates of mildneſs and cauſticity, originated from an incident of this kind.* And many ſimilar examples might be adduced from the records of philoſophy. But whether ſuch be the fortunate event or not, a negative truth may be of as much value as a poſitive one; and conſequently, ſucceſs or diſappointment may prove equally uſeful in experimental reſearches.†

To deduce the general characters of a body from one ſingle property of it, individually conſidered, ſeems contrary to the rules of philoſophizing: and the young experimenter ſhould be cautious both of admitting and of forming ſuch analogies. Yet they are ſometimes ſo ſtrong as to force conviction even againſt the evidence of ſenſe, and of general opinion. The diamond was held by chemiſts, in the time of Sir Iſaac Newton, to be apyrous, and could not be ſuſpected, from any of its known qualities, to be of an inflammable nature. Yet this vigilant philoſopher did not heſitate to conſider it as an *unctuous coagulum*, ſolely from its poſſeſſing a very high degree of refractive power on the rays of light. For this power he

* See Eſſays Phyſical and Literary.

† See the Author's Philoſophical, Medical, and Experimental Eſſays, vol. i. fourth edit.

found to depend chiefly, if not wholly, on the ſulphureous parts of which bodies are compoſed. Late experiments have confirmed this opinion, and fully proved that diamonds conſiſt almoſt entirely of pure phlogiſton; ſince they are capable of being volatilized by heat in cloſe veſſels, of pervading the moſt ſolid porcelain crucibles, and of being converted into actual flame.

The accuracy of this inference is a ſtriking proof of the importance of judicious and comprehenſive analogies, and of the advantages reſulting from the mode of reaſoning by induction. For, to uſe the words of Sir Iſaac Newton, "though the arguing "from experiments and obſervations by induction is "no *demonſtration* of general concluſions, yet it is "the beſt way of arguing, which the nature of things "admits of; and may be looked upon as ſo much "the ſtronger, by how much the induction is more "general." This improved ſpecies of logic was firſt recommended and introduced into phyſics by Lord Verulam, who at a very early period of life ſaw the futility of Ariſtotle's ſyllogyſtic ſyſtem, which, proceeding on the ſuperficial enumeration of a few particulars, riſes at once to the eſtabliſhment of univerſal propoſitions. *Duæ viæ ſunt, atque eſſe poſſunt, ad inquirendam et inveniendam veritatem. Altera a ſenſu et particularibus advolat ad axiomata maxime generalia, atque ex iis principiis, eorumque immota veritate judicat et invenit axiomata media; atque hæc via in uſu eſt. Altera à ſenſu et particularibus excitat*

*axiomata, aſcendendo continenter et gradatim, ut ultimo loco perveniatur ad maximè generalia; quæ via vera eſt, ſed intentata.**

It is obvious that the force of this inductive method of reaſoning muſt depend on the advancement which has been made in the different branches of phyſics. Indeed, it preſuppoſes a ſtore of particular facts, gradually accumulated, but ſufficiently ample, and fit for reduction into their proper claſſes. Time and obſervation will be continually diminiſhing the number, and conſequently enlarging the boundaries of theſe claſſes, by diſcovering other relations between them, and pointing out the connection of phænomena, deemed at firſt diſtinct and independent. But it muſt be remembered that every acceſſion to knowledge renews the doubts and difficulties that reſult from ignorance; becauſe it preſents freſh objects to our inveſtigation, and further *deſiderata* to our wiſhes. It is this endleſs progreſſion of ſcience, which, by gratifying curioſity with perpetual novelty, and animating ambition with proſpects of higher and higher attainments, ſometimes gives the attachment to it an undue aſcendancy over every other principle of the mind. But having expatiated in another Eſſay,* on the folly of ſuch extravagant ardour in the purſuits of knowledge, I ſhall now cloſe theſe reflections with the following lines from Milton:—

* Bacon, Nov. Organ. lib. i. Aphor. 19.

* On Inconſiſtency of Expectation in Literary Purſuits.

" . . . Apt the mind, or fancy, is to rove
" Uncheck'd, and of her roving is no end;
" Till warn'd, or by experience taught, ſhe learn,
" That not to know at large of things remote
" From uſe, obſcure and ſubtle, but to know
" That which before us lies, in daily life,
" Is the prime wiſdom; what is more is fume,
" Or emptineſs, or fond impertinence,
" And renders us in things that moſt concern,
" Unpractis'd, unprepared, and ſtill to ſeek."

PAR. LOST, book viii.

A

TRIBUTE

TO THE MEMORY OF

CHARLES DE POLIER, ESQ;

ADDRESSED TO THE

LITERARY AND PHILOSOPHICAL SOCIETY OF MANCHESTER.

OCTOBER 30, 1782.

AT a meeting of the LITERARY *and* PHILOSOPHICAL SOCIETY *of* MANCHESTER, *the following reſolution paſſed unanimouſly :—*

"*The Members of the* LITERARY *and* PHILOSOPHICAL SOCIETY, *lamenting, with heartfelt concern, the death of their late much honoured brother* CHARLES DE POLIER, *eſq; unanimouſly reſolve, that* DR. PERCIVAL *be requeſted to draw up a grateful and reſpectful Tribute to his Memory, to be inſerted in the Journals of the Society, with a view to record his diſtinguiſhed merit, and to prolong the influence of his bright example.*"

NOVEMBER 13, 1782.

AT a meeting of the LITERARY *and* PHILOSOPHICAL SOCIETY, *it was reſolved unanimouſly,*

"*That the Thanks of the Society be returned to* DR. PERCIVAL, *for his Tribute to the Memory of* CHARLES DE POLIER, *eſq; and that he be d ſired to print the ſame.*"

A

TRIBUTE

TO THE MEMORY OF

CHARLES DE POLIER, ESQ;

ADDRESSED TO THE

LITERARY AND PHILOSOPHICAL SOCIETY OF MANCHESTER.

THE contemplation of moral and intellectual excellence affords the moſt pleaſing and inſtructive exerciſe to a well-conſtituted mind. By exalting our ideas of the human character, it expands and heightens the principle of benevolence; and at the ſame time is favourable to piety, by raiſing our views to the Supreme Author of all that is fair and good in man.

The wiſe and the virtuous have ever dwelt with delight on the meritorious talents and diſpoſitions of their fellow-creatures; and an amiable philoſopher drew from this ſource ſuch ſweet conſolations, under the toils and diſtreſſes of life, that he warmly recommends the practice to our imitation. "*When you*

"*would recreate yourſelf,*" ſays M. Antoninus, "*re-*
"*flection the laudable qualities of your acquaintance;*
"*on the magnanimity of one, the modeſty of another,*
"*or the liberality of a third.**" Generous meditation! which every one preſent may indulge; and by indulging, aſſimilate to his own nature the various perfections of others; transfuſing, as it were, into his breaſt, the virtues which he contemplates.

Can we engage ourſelves in ſuch an exerciſe, without the moſt lively recollection of our late honoured and beloved colleague? His image preſents itſelf before us; and we inſtantly recogniſe the agreeableneſs of his form, the animation of his countenance, the vigour of his underſtanding, and the goodneſs of his heart. How graceful was his addreſs; how ſprightly, entertaining, and intelligent, his converſation! What rich ſtores of knowledge did he diſplay; what facility in the uſe, what judgment in the application of them! Few have been the ſubjects of diſcuſſion in this Society, which his obſervations have not enlightened: and what he could not himelf elucidate, he has enabled others to do, by the pertinency of his queries, and the ſagacity of his conjectures. So quick was his penetration, ſo enlarged his comprehenſion, ſo exact the arrangement of his intellectual treaſures! Learning, with ſome, is the parent of mental obſcurity; and the multiplicity of ideas which have been acquired by ſevere ſtudy, ſerve only to produce perplexity and confuſion.

* M. Antonin. lib. vi.

But Mr. de Polier's thoughts were always ready at command: and he engaged with perſpicuity on every topic of diſcourſe, becauſe he ſaw, at one view, all its relations and analogies to thoſe branches of knowledge with which he was already acquainted. With ſuch felicity of genius, he was continually making large acceſſions to his ſtock of ſcience, without laborious reſearches, or ſecluſion from the ſocial enjoyments of life.

Of his abilities as a writer, he furniſhed us with a ſtriking proof, in the Diſſertation he delivered laſt winter;* which is equally diſtinguiſhed by the juſtneſs of its ſentiments, and the purity of its diction; and fully diſplays his perfect attainment both of the idiom and embelliſhments of the Engliſh language.

But Mr. de Polier had merits, more eſtimable than thoſe, which he derived from the vivacity of his fancy, the elegance of his taſte, or the powers of his underſtanding. And his friends will cordially unite with me in teſtifying, that, if honoured for his *intellectual*, he was beloved for his *moral* endowments. His heart was open to every generous ſympathy; and the ſenſibility of his nature ſo enlivened all his perceptions, that the ordinary duties of ſocial intercourſe were performed by him with a warmth, almoſt equal to that of friendſhip. Nor was this the artificial deportment of unmeaning courteſy; but the generous effuſion of a heart, which felt for

* On the pleaſure which the mind receives from the *exerciſe* of its faculties, and particularly that of *taſte*.

all mankind. In ſuch *philanthropy*, politeneſs has its true foundation: and of this joint grace of nature and education, "which aids and ſtrengthens virtue "where it meets her, and imitates her actions where "ſhe is not," our lamented brother was a bright example. So engaging were his manners, and at the ſame time ſo ſincere his diſpoſition, that we may apply to him with *honour*, what Cicero meant as a *reproach*; that he was qualified, *cum triſtibus ſeverè, cum remiſſis jucundè, cum ſenibus graviter, cum juventute comiter vivere.* Theſe powers of pleaſing flowed from no ſervile compliances, nor ever led him into criminal indulgences. As a companion, he was convivial without intemperance, and gay without levity or licentiouſneſs. His converſation was ſprightly and unreſerved; but, in the moſt unguarded hours of mirth, exempt from all indecency and profaneneſs: and the ſallies of his wit and pleaſantry were ſo ſeaſoned with good humour, that they gave delight, unmixed with pain, even to thoſe who were the objects of them. If the coarſer pleaſures of the bottle be baniſhed from our tables; or if rational converſation, and delicacy of behaviour, with the ſweet ſociety of the ſofter ſex, be now ſubſtituted in their room, this happy revolution has been rendered more complete by the influence of Mr. de Polier.

Yet though URBANITY, according to the moſt liberal interpretation of that term, was the *characteriſtic* of our excellent colleague, he poſſeſſed other endowments, of more intrinſic value: and I could

enlarge, with pleaſure, on his nice ſenſe of rectitude, his inviolable integrity, and ſacred regard to truth. Theſe moral virtues were, in him, founded on no fictitious principle of *honour*, but reſulted from the conſtitution of his mind; and were ſtrengthened by habit, regulated by reaſon, and ſanctioned by religion: for, notwithſtanding the veil which he choſe to caſt over his *piety*, it was manifeſt to his intimate friends; and may be recollected by others, who have marked the ſerioufneſs with which he diſcourſed on every ſubject relative to the being and attributes of God. Defective indeed muſt be the character of that man, who can diſcern and acknowledge, without venerating, the divine perfections; and partake of the bounties of nature, yet feel no emotions of gratitude towards its benevolent Author. *A little philoſophy*, ſays Lord Verulam, *may incline the mind to atheiſm; but depth in philoſophy will bring it about again to religion.**

I have thus attempted to draw a rude ſketch of the features of our late honoured friend. A fuller delineation might furniſh a more pleaſing picture to ſtrangers; but to the members of this ſociety, a few outlines will ſuffice to revive the image of the beloved original. This image, I truſt, will be long and for-

* The noble author ſubjoins a juſt reaſon for this obſervation: "For while the mind of man," ſays he, "looketh upon *ſecond cauſes* "ſcattered, it may ſometimes reſt in them, and go no farther: but "when it beholdeth the chain of them linked together, it muſt "needs fly to Providence and Deity."

BACON's Eſſay on Atheiſm.

cibly impreſſed on our minds; and that every one here preſent may adopt the language of Tacitus, on a ſimilar occaſion: "*Quicquid ex Agricola amavimus, quicquid mirati ſumus, manet, manſurumque eſt in animis hominum.*" "Whatever in Agricola was "the object of our love and of our admiration, re- "mains, and will remain, in the hearts of all who "knew him."

Having taken a ſhort view of the character of Mr. de Polier, curioſity and attachment concur in prompting us to extend the retroſpect; and we become ſolicitous to know ſomething of his connections and education; and to trace the leading events of a life, in the concluſion of which we have been ſo deeply intereſted. But our friend was no egotiſt; and the zeal with which he entered into the concerns of others, precluded the detail of his own. I muſt content myſelf, therefore, with preſenting to the ſociety the following brief memoirs.

Charles de Polier Bottens was the ſon of the Rev. —— de Polier Bottens, Dean of the Cathedral Church of Lauſanne, Preſident of the Synod of the Pais de Vaud, Member of the Society of Arts and Sciences at Manheim, and citizen of Geneva. He was born at Lauſanne, in the year 1753; and received the firſt part of his education in the public ſchools of that city. As ſoon as he had acquired a ſufficient knowledge of the claſſics, he was ſent to an academy near Caſſel, in Germany; from whence, after a reſidence of two years, he was removed to

the univerſity of Gottingen. In this celebrated ſeat of learning, he paſſed three years; and being then inclined to a military life, he obtained a lieutenant's commiſſion in the Swiſs regiment of D'Erlach, in the French ſervice. But he ſoon reſigned his commiſſion, and returned to Lauſanne, where he had a command given him in one of the provincial regiments of dragoons. In this ſituation, his connection commenced with the Earl of Tyrone; who offered him the tuition of his eldeſt ſon, Lord le Poer, on terms equally honourable and advantageous. But before the engagement was completed, propoſals were made to him by the Duke of Saxe Gotha, to become governor to the hereditary prince, with an annuity for life of twelve hundred rix-dollars, an apartment at court, and the poſt of chamberlain, or rank of colonel. Theſe propoſals, however, he declined in favour of Lord Tyrone. And he executed the important truſt aſſigned to him with ſuch judgement, tenderneſs, and fidelity, as induced that reſpectable nobleman to commit three of his children to his ſole direction. Theſe amiable youths he brought to England in the ſummer of 1779, and ſettled them at the ſchool of a clergyman in Mancheſter, who is eminently diſtinguiſhed by his virtues and abilities.

At this period our firſt acquaintance with Mr. de Polier was formed. By the laws of hoſpitality he was entitled to our attention as a ſtranger. But his perſonal accompliſhments, and the charms of his converſation, ſoon ſuperſeded the ordinary claims of

cuſtom, and converted formal civility into eſteem and friendſhip. He became **our** companion in pleaſure, our aſſiſtant in ſtudy, our counſellor in difficulty, and our ſolace in diſtreſs. Amuſement acquired a dignity and zeſt by his participation, and he ſoftened the auſterity of philoſophy whenever he joined in the purſuit. The inſtitution which now celebrates his memory, owes to him much of its popularity and ſucceſs; and ſo long as it ſubſiſts, his name will be revered as one of its founders and moſt ſhining ornaments.

About the middle of laſt winter he was attacked by a complaint, which at firſt gave no diſturbance to the vital functions. But being aggravated by the fatigues of a long journey to Holyhead, and of a voyage from thence to Dublin, at a time when he laboured under the *Influenza*, the malady rapidly increaſed after his arrival in Ireland, and put a final period to his valuable life on the 18th of October 1782*. The vigour of his faculties, and the warmth of his affections, continued even to the hour of his diſſolution. And the amiableneſs of his behaviour in the cloſing ſcene of trial and ſuffering through which he paſſed, gave ſuch completion to his character, that we may apply to him what the poet has ſaid of Mr. Addiſon:

--- "He taught us how to live; and, oh! too high
"The price of knowledge, taught us how to die!"†

* At Curraghmore, near Waterford, the ſeat of the Earl of Tyrone.

† Tickell's Poems on the death of Mr. Addiſon.

On this affecting event, I cannot expreſs your feelings and my own, in terms ſo forcible as thoſe of the animated hiſtorian, whom I have before quoted. *Si quis piorum manibus locus; ſi, ut ſapientibus placet, non cum corpore exſtinguuntur magnæ animæ; placide quieſcas, noſque ab infirmo deſiderio, ad contemplationem virtutum tuarum voces, quas neque lugeri neque plangi fas eſt! Admiratione te potius temporalibus laudibus, et ſi natura ſuppeditet, ſimilitudine decoremus!** "If there be any habitation for the ſhades "of the virtuous; if, as philoſophers ſuppoſe, "exalted ſouls do not periſh with the body; may "you repoſe in peace, and recall us from vain regret "to the contemplation of your virtues, which allow "no place for mourning or complaint! Let us "adorn your memory rather by a fixed admiration, "and if our natures will permit, by an imitation of "your excellent qualities, than by temporary "eulogies.†

* Tacit. Vit. Agricolæ.

† See Mr. Aikin's Tranſlation of the Life of Agricola.

AN

APPENDIX;

CONTAINING

SUPPLEMENTARY REMARKS,

AND ILLUSTRATIONS.

AS the Socratic mode of diſcuſſion admits not of interruption by Notes, the author has choſen to inſert in this place ſuch additional REMARKS *and* ILLUSTRATIONS, *concerning the ſubject matter of the Diſcourſe on* TRUTH, *as further reading or reflection have ſuggeſted to his mind. He has alſo annexed a few ſupplementary Notes to the other* DISSERTATIONS.

SOCRATIC DISCOURSE.

SUPPLEMENTARY REMARKS AND ILLUSTRATIONS.

I. TRUE AND FALSE HONOUR.*

THERE is a principle of HONOUR which ſeems to be, in ſome meaſure, diſtinct from that of virtue; and originates from the aſſociation of certain ideas of propriety, or pride, with rectitude of conduct. Amongſt the ancient Greeks and Romans, virtue and honour were deified; and a joint altar was conſecrated to them at Rome; but afterwards each of them had ſeparate temples; ſo connected, however, that no one could enter the temple of honour without paſſing through that of virtue.

The genuine principle of honour, in its full extent, may be defined, a quick perception and ſtrong feeling of moral obligation, particularly with reſpect to probity and truth, in conjunction with an acute ſenſibility to ſhame, reproach, or infamy. But in different characters, theſe two conſtituent parts of the principle are found to exiſt in proportions ſo widely diverſified, as ſometimes to appear almoſt ſingle and detached. The former alway *aids and ſtrengthens virtue;* the latter may, occaſionally, *imitate her actions*,† when

* See page 8.

† " Honour's a ſacred tie, the law of kings,
" The noble mind's diſtinguiſhing perfection,
" That aids and ſtrengthens Virtue where it meets her,
" And imitates her actions where ſhe is not:
" It ought not to be ſported with." ADDISON'S Cato.

faſhion happily countenances, or high example prompts to rectitude. But being connected, for the moſt part, with a jealous pride, and capricious irritability, it will be more ſhocked with the *imputation*, than with the *commiſſion* of what is wrong. And thus it will conſtitute that ſpurious honour, which, by a perverſion of the laws of aſſociation, *puts evil for good, and good for evil;* and, under the ſanction of a name, perpetrates crimes without remorſe, and even without ignominy. To this empirical morality *duelling* owes its riſe, which, with fatal confidence, pretends to cure the indecorums of ſocial intercourſe, whilſt it deſtroys the lives of individuals, ſubverts the peace of families, and violates the moſt ſacred laws of the community. It is aſtoniſhing that a practice, which originated in the dark ages of ignorance, ſuperſtition, and diſorder, ſhould be continued in this enlightened period, though condemned by the polity of every ſtate, and utterly repugnant to the ſpirit and precepts of Chriſtianity. The ancient Germans, Danes, and Franks were uſed to decide criminal queſtions of fact, in the laſt reſort, by combat. But this method of trial, about the cloſe of the fifth century, was reſtrained to the following conditions:—1. That the crime, for which it was inſtituted, ſhould be capital. 2. That it ſhould be certain that the crime had been perpetrated. 3. That the accuſed, by common fame, ſhould be ſuppoſed guilty. 4. That the matter ſhould not be capable of proof by witneſſes. A cuſtom thus regulated appears wiſe and equitable in compariſon with modern duelling, which has ſeldom any object, but the redreſs of fantaſtic wrongs, or the diſplay of reſentment, that often ſubſiſts before its execution. Is there a man of probity and humanity, and many of this character, I am perſuaded, have been ſeduced by the illuſions of falſe honour, who, if not prohibited by law, would think himſelf authorized to call forth his antagoniſt, place him as a mark, and appoint a ruffian to fire a piſtol at him, becauſe, in the heat of argument, or in the unguarded hours of convivial mirth, he has committed ſome trifling offence, or verbal incivility? And is it not adding the moſt egregious folly to injuſtice, to undertake himſelf this opprobrious office, at the hazard of his own life, and to the ruin, perhaps, of his deareſt connections? For, I preſume, it now forms no part of the creed of the duelliſt, that Divine Providence will interpoſe, on ſuch occaſions, to preſerve the injured, and to puniſh the aggreſſor.

The military ſpirit which a long war has revived amongſt the inhabitants of this country, and which the armed aſſociations, eſtabliſhed in different places, cannot fail to foſter and ſupport, may, perhaps, contribute to multiply challenges, and to extend the practice of ſingle combat. Courage is ſo eſſential to the character of a ſoldier, that it becomes magnified in his eſtimation, far beyond its real deſert; and he is not only in danger of miſtaking its true nature, and proper object, but of acquiring a contempt for every virtue, which, in his perverted judgment, ſtands in competition with it. Like Achilles, *jura negat ſibi nata; nihil non arrogat armis.* Reaſon and religion ſhould, therefore, exert their united authority to check the influence of ſuch baneful errors: and law ſhould rigorouſly puniſh, with diſgrace and infamy, the man who can ſacrifice humanity to pride, and juſtice to the ſpecious counterfeit of gallantry.

I ſhall cloſe this ſection with the following paſſage, from the celebrated Commentaries of Sir William Blackſtone:—"Expreſs "malice is, when one with a ſedate, deliberate mind, and formed "deſign, doth kill another; which formed deſign is evidenced by "external circumſtances diſcovering that inward intention; as lying "in wait, antecedent menaces, former grudges, and concerted "ſchemes to do him ſome bodily harm. This takes in the caſe of deli-"berate duelling, where both parties meet, avowedly with an intent "to murder; thinking it their duty as gentlemen, and claiming it "as their right, to wanton with their own lives, and thoſe of their "fellow-creatures, without any warrant or authority from any "power, either human or divine, but in direct contradiction to the "laws both of GOD and man: and therefore, the law has juſtly "fixed the crime and puniſhment of murder, on them and on their "ſeconds alſo."*

II. FALSE MAXIMS OF MORALITY.†

THE hiſtory of Lord Herbert, of Cherbury, admirably exemplifies the folly and danger of adopting FALSE MAXIMS of MORALITY. From the variety of inſtances which offer themſelves in the memoirs of this romantic nobleman, I ſhall ſelect the ſol-

* Book iv. chap. 14. † See page 9.

lowing:—During his abode at the Duke of Montmorency's, about twenty-four miles from Paris, it happened one evening, that a daughter of the Dutcheſs de Ventadour, of about ten or eleven years of age, went to walk in the meadows with his lordſhip, and ſeveral other gentlemen and ladies. The young lady wore a knot of riband on her head, which a French chevalier ſnatched away, and faſtened to his hatband. He was deſired to return it, but refuſed. The lady then requeſted Lord Herbert to recover it for her. A race enſued; and the chevalier finding himſelf likely to be overtaken, made a ſudden turn, and was about to deliver his prize to the young lady, when Lord Herbert ſeized his arm and cried out, "I give it you." 'Pardon me,' ſaid the lady, 'it is he who gives 'it me.' "Madam," replied Lord Herbert, "I will not con-"tradict you; but if the chevalier do not acknowledge that I con-"ſtrain him to give the riband, I will fight with him." And the next day he ſent him a challenge, "being bound thereunto," ſays he, "by the oath taken when I was made knight of the bath."

He relates, alſo, three other ſimilar caſes to ſhew, *how ſtrictly he held himſelf to his oath of knighthood.* "This oath," ſays the ingenious editor of Lord Herbert's life, "is one remnant of a ſuper-"ſtitious and romantic age, which an age calling itſelf enlightened "ſtill retains. The ſolemn ſervice at the inveſtiture of the knights, "which has not the leaſt connection with any thing holy, is a piece "of the ſame profane pageantry. The oath being no longer ſup-"poſed to bind, it is ſtrange mockery to invoke heaven on ſo "trifling an occaſion." And it would be more ſtrange, if each knight, like the miſguided Lord Herbert, ſhould think himſelf obliged to cut a man's throat, whenever a young lady loſes her top-knot!

Theſe religious engagements are ſo often miſapplied, that it cannot be unſeaſonable to enter into a brief diſcuſſion of their true nature and obligation. A vow may be defined, *a devout promiſe made to God, reſpecting either the performance or omiſſion of ſome voluntary act;* and is often accompanied with an imprecation of divine vengeance on the infraction of it. The only legitimate uſe of ſuch an engagement is, to increaſe our abhorrence of what is evil, and to confirm our reſolution in the more arduous purſuits of virtue. It cannot, therefore, be applied to the neglect of any antecedent duty, or to the accompliſhment of any impious or immoral purpoſe. Were it otherwiſe, theſe arbitrary ties might be made a

plea for violating every law, whether human or divine. Even prudence, in certain cafes, is of fufficient force to fuperfede the validity of a vow. Thus, if the fuperftitious parent of a numerous and helplefs family were, in fome preffing danger, to invoke the affiftance of heaven, by the moft folemn avowal of his refolution to give all his fubftance to the church, or to the poor; fuch an abfurd intention has not the nature of an engagement, and is void in itfelf: for, we are affured, that the execution of it could never prove acceptable to a wife and benevolent Deity, with whom alone the contract was made. But this reafoning does not extend to rafh and injurious bargains, or to promifes of a focial natnre, which have been confirmed by an oath: for, as the maintenance of faith is of the higheft importance in the commerce of life; to add impiety to the breach of it, muft certainly be deemed an aggravation of the offence: and in fuch inftances, *the good man changeth not, though he fwore to his own hurt.*

III. FEALTY TO MAGISTRATES.

THE COMMANDS of the MAGISTRATE, or of the LEGISLATURE, are not binding, when they oppofe the known and acknowledged obligations of morality; and the younger Cato has been juftly cenfured, for engaging in the execution of what he himfelf deemed a violent and moft oppreffive fentence againft Ptolemy, king of Cyprus. This prince was brother to the king of Egypt, and reigned by the fame right of hereditary fucceffion. He was in full peace and amity with Rome, and was accufed of no practices, nor fufpected of any defigns againft the republic. But the infamous Clodius, who was then tribune, propofed and obtained the law, from motives of private pique and revenge. To give a fanction to it, Cato was charged with its fulfilment; and undertook the commiffion, though contrary to all his ideas of juftice and rectitude. I believe no moralift of the prefent times will admit the validity of Cicero's apology for the mifconduct of his friend: "The commiffion," fays

* See page 9.

he, "was deſigned not to adorn, but to baniſh Cato; not offered, "but impoſed upon him. Why then did he obey it? For the "ſame reaſon, that he *ſwore to obey* other laws, which he knew to "be unjuſt, that he might not expoſe himſelf to the fury of his "enemies, or by a fruitleſs pertinacity, deprive the republic of his "ſervices."—Orat. pro Sexto.

The conduct of Scipio Africanus, in the deſtruction of the brave Numantines, is equally reprehenſible; for it is confeſſed, by Lucius Florus, that the Romans commenced hoſtilities againſt that people, without even a pretence to render them juſtifiable: and the horrid barbarities, exerciſed in the ſiege of Numantia, excite peculiar indignation, from the unparalleled fortitude and vigour which the inhabitants diſplayed in the defence of their liberties. Such bravery, exerted in a cauſe ſo noble, merited the patronage, and ſhould have called forth the clemency, not the reſentment of Scipio. But the Romans appear to have entertained no conſiſtent ideas concerning the privileges of other nations, or the common rights of mankind. They proudly arrogated to themſelves the government of the world, and the maxim, *regere imperio populos*,* was the plea for every conqueſt. This principle pervades the writings of all their poets and hiſtorians: and even the philoſophical Tacitus, in delivering the memoirs of Agricola, expreſſes not the ſlighteſt diſapprobation of the numerous and deſtructive expeditions into Britain. Yet he has, inadvertently, put into the mouth of Galgacus, one of the chieftains of our warlike anceſtors, ſuch ſentiments as may be deemed a ſtigma on his venerable father-in-law, for obedience to imperial mandates, founded on cruelty and injuſtice. *Raptores orbis, poſtquam cuncta vaſtantibus defuere terræ, et mare ſcrutantur: ſi locuples hoſtis eſt, avari; ſi pauper, ambitioſi. Quos non oriens, non occidens ſatiaverit: ſoli omnium, opes atque inopiam, pari affectu concupiſcunt. Auferre, trucidare, rapere falſis nominibus, imperium; atque ubi ſolitudinem faciunt, pacem appellant.*† "Theſe plunderers of the world, after exhauſting the land by "their devaſtations, are riffling the ocean: ſtimulated by avarice, if

* "Tu REGERE IMPERIO POPULOS Romane memento,
"(Hæ tibi erunt artes) pacique imponere morem,
"Parcere ſubjectis, et debellare ſuperbos." VIRG.

† Tacit. Vit. Agric.

" their enemy be rich; by ambition, if poor; unſatiated by the eaſt,
" and by the weſt; the only people who behold wealth and indi-
" gence with equal avidity: to ravage, to ſlaughter, to uſurp under
" falſe titles, they call empire; and when they make a deſert, they
" call it peace."*

Modern conqueſts have been founded on claims equally invalid and tyrannical with thoſe of the Romans. It is a ſatire on human reaſon, and ſtill more diſgraceful to the moral feelings of mankind, to review the principles on which the Spaniards affected to eſtabliſh their rights to the extenſive dominions in the new world. Their generals were inſtructed to notify, with great formality, to the innocent and ignorant natives of the weſtern hemiſphere, that St. Peter had ſubjected the univerſe to the jurisdiction of the Roman Pontiff; and that this lord of the whole creation had made a grant of the iſlands, of the *Terra Firma*, and of the ocean, to the Catholic Kings of Caſtile. To theſe monarchs they were required to ſubject themſelves; and if they refuſed, the moſt exemplary vengeance was denounced againſt them. They were threatened to be deſpoiled of their wives and children, to have their country ravaged, and to be themſelves ſold for ſlaves.†

Inſtances like theſe afford the moſt irrefragable evidence, that fealty to magiſtrates muſt always be regarded as a conditional obligation; and that implicit obedience to their commands may involve us in high degrees of guilt and infamy. Yet a very diſtinguiſhed hiſtorian and moraliſt has caſt a reflection on certain ſea-officers, under the protectorate of Oliver Cromwell, who reſigned their commiſſions from ſcruples of conſcience relative to the Spaniſh war, in 1656; which the hiſtorian himſelf acknowledges to have been highly impolitic, and a moſt unwarrantable violation of treaty. " They thought," ſays Mr. Hume, " no command of their ſuperiors
" could juſtify a war, which was contrary to the principles of na-
" tural equity, and which the civil magiſtrate had no right to
" order. Individuals they maintained, in reſigning to the public
" their natural liberty, could beſtow on it what they themſelves
" were poſſeſſed of, a right of performing lawful actions; and could

* Aikin's Tranſlation of the Life of Agricola.

† See Herrara, Dec. I. lib. vii. cap. 14; alſo Robertſon's Hiſtory of America, note 23.

" inveſt it with no authority of commanding what is contrary to " the decrees of heaven. Such maxims, though they ſeem re ſon- " able, are perhaps too perfect for human nature, and muſt be re- " garded as one effect, though of the moſt innocent and even " honourable kind, of that ſpirit, partly fanatical, partly republican, " which predominated in England." That *maxims which ſeem reaſonable, and a ſpirit of the moſt innocent and even honourable kind* ſhould be deemed *too perfect for human nature*, participates of Machiavelian policy. It muſt be acknowledged, however, that individuals cannot often be fully competent to decide of the juſtice or injuſtice of foreign wars; and that the officers of the ſtate are bound to obey the commands of lawful authority, when they are not oppoſite to the clear dictates of honour and equity. But whenever the mind has ſufficient evidence of the improbity, oppreſſion, or tyranny of public meaſures; no one, under ſuch conviction, can voluntarily abet or aid them, in conſiſtence with duty to himſelf, to his country, and to mankind. At the commencement of the late conteſt with America, the Earl of Effingham found himſelf in this diſtreſsful predicament; as appears from his letter of reſignation addreſſed to Lord Barrington; wherein he expreſſes his feelings in the following terms:—" Your lordſhip is no ſtranger to the con- " duct which I have obſerved in the unhappy diſputes with our " American colonies. The King is too juſt and too generous not " to believe, that the votes I have given in Parliament have been " given according to the dictates of my conſcience. Whether I " have erred or not, the courſe of future events muſt determine. " In the mean time, if I were capable of ſuch duplicity as to be any " way concerned in enforcing thoſe meaſures of which I have ſo " publicly and ſolemnly expreſſed my diſapprobation, I ſhould ill " deſerve what I am moſt ambitious of obtaining—the eſteem and " favourable opinion of my ſovereign.

" My requeſt, therefore, to your lordſhip is this, that after having " laid thoſe circumſtances before the King, you will aſſure his ma- " jeſty, that he has not a ſubject who is more ready than I am, with " the utmoſt cheerfulneſs, to ſacrifice his life and fortune in ſupport " of the ſafety, honour, and dignity of his majeſty's crown and " perſon. But the very ſame principles, which have inſpired me " with theſe unalterable ſentiments of duty and affection to his ma- " jeſty, will not ſuffer me to be inſtrumental in depriving any part

" of his people of thoſe liberties, which form the beſt ſecurity for " their fidelity and obedience to his government. As I cannot, " without reproach from my own conſcience, conſent to bear arms " againſt my fellow-ſubjects in America, in what, to my weak diſ- " cernment is not a clear cauſe; and as it ſeems now to be finally " reſolved that the 22d regiment is to go upon American ſervice, " I deſire your lordſhip to lay me in the moſt dutiful manner at his " Majeſty's feet, and humbly beg that I may be permitted to retire.

" Your lordſhip will eaſily conceive the regret and mortifica- " tion I feel at being neceſſitated to quit the military profeſſion, " which has been that of my anceſtors for many generations, to " which I have been bred almoſt from my infancy; to which I have " devoted the ſtudy of my life; and to perfect myſelf in which, I " have ſought inſtruction and ſervice in whatever part of the world " they were to be found.

" I have delayed this to the laſt moment, leſt any wrong con- " ſtruction ſhould be given to a conduct which is influenced only " by the pureſt motives. I complain of nothing; I love my pro- " feſſion, and ſhould think it highly blameable to quit any courſe " of life, in which I might be uſeful to the public, ſo long as my " conſtitutional principles, and my notions of honour, permitted me " to continue in it." Sept. 12, 1775.

In the preſent hoſtilities between the Swedes and the Ruſſians, diſquietudes are ſaid to have ariſen in the minds of ſome of the Swediſh officers, concerning the legality of the war " The 14th " article in the form of government, preſented by the king, and " agreed to by the diet, after the revolution of 1772, expreſsly de- " termines, 'that the king cannot carry on an offenſive war, with- " out the conſent of the ſtates aſſembled.' Nevertheleſs the hoſtile " diſpoſitions of Ruſſia againſt Sweden, at the period of fitting out " the armaments, have been ſufficiently proved, ſo as not to render " it doubtful, whether the preſent war on our part is more *offenſive* " than *defenſive*. On this account ſcruples have ariſen in the " minds of ſome officers ſerving in the army in Finland, 'whether " the officers, who, from the mere will of the king, without the " previous conſent of the diet, and even without the knowledge of " the ſtates, allow themſelves to be employed in the war, which " has every appearance of being OFFENSIVE on our part, at leaſt, " in the preſent campaign, do not render themſelves reſponſible to

"the nation aſſembled, and puniſhable ſooner or later, for having "acted contrary to their oath.' Yielding to theſe ſcruples, five offi- "cers applied for diſmiſſion, and their example was ſoon followed "by ſeveral others.*"

IV. FALSE OPINIONS CONCERNING FRIENDSHIP.§

MANY of the ancients appear to have entertained very enthuſiaſtic notions of FRIENDSHIP; and to have ſuppoſed, that it ſuperſedes, in particular circumſtances, both wiſdom and prudence, and every ſpecies of moral obligation. When Bloſſius, the boſom companion of the elder Gracchus, was ſummoned before the ſenate of Rome, after the tumult which proved fatal to that tribune, he was interrogated whether he had always obeyed the commands of Gracchus? "Yes," anſwered Bloſſius, "moſt punctually, for ſo I thought it my duty to do. And, if it "had been poſſible for him to deſire me to fire the capitol, I ſhould "not have ſcrupled to comply, from my full confidence in his "rectitude."† The folly and criminality of ſuch a blind ſacrifice of reaſon and judgment to the will of another, are too obvious to need any comment. Connections, of this ſervile nature, merit not the honourable appellation of friendſhip. And we may juſtly adopt the opinion, which Cicero has delivered concerning them: *Si omnia facienda ſint, quæ amici velint, non* AMICITIÆ *tales ſed* CONJURATIONES *putandæ ſunt.*‡

Not leſs foreign to the true obligations of this amiable and venerable paſſion, was the exclamation of Themiſtocles: "God for- "bid, that I ſhould ſit upon a tribunal, where my friends were not "more favoured than ſtrangers!" The letter of King Ageſilaus, to one of the Spartan judges, which Plutarch has preſerved, is a ſtill more ſtriking proof of the practical influence of the ſame falſe

* General Evening Poſt, Sept. 2, 1788.

§ See page 13. † Plut. Vit. Gracchi. ‡ Cic. de Off.

- - - - - - - - "The friendſhips of the world
"Are oft *confederacies* in vice." ADDISON'S Cato.

opinion; becauſe this prince was a man of probity and equity, virtues which belonged not to the Athenian ſtateſman. "If Nicias "be innocent," ſays he, "acquit him, for the ſake of juſtice; but, "if he be guilty, acquit him, for the ſake of my attachment to "him."* The Roman moraliſt, whom I have ſo lately quoted, very forcibly objects to the interference of friendſhip, in the magiſterial functions: yet, by a ſtrange deluſion, he permits an advocate to give a *plauſible colouring* to the offence, with which his friend is charged; and to place the fact in the moſt advantageous, though it ſhould be a *falſe* light.† In his treatiſe *de Amicitia*, he remarks, that, "in caſes, which affect the life, or good fame of a "friend, it may be allowable to deviate a little from what is *ſtrictly* "*right*, in order to comply with his deſires; provided, however, "that our own character be not injured by it." Such looſe and erroneous maxims certainly merit animadverſion: and I ſhall relate the following incident, which occurred ſeveral centuries before the period of Cicero, as an antidote to them. Chilo, the Lacedæmonian, one of the ſages of Greece, who is celebrated for the ſentence, KNOW THYSELF, which he cauſed to be written at Delphos in letters of gold, is ſaid to have addreſſed himſelf to his friends, when on his death-bed, in terms to this effect:—"I cannot "through the courſe of a long life, look back with uneaſineſs upon "any ſingle inſtance of my conduct, unleſs, perhaps, on that which "I am going to mention; wherein I confeſs, I am ſtill doubtful "whether I acted properly or not. I was once appointed judge, "in conjunction with two others, when my particular friend was "arraigned before us. Were the laws to have taken their due "courſe, he muſt inevitably have been condemned to die. After "much debate, therefore, with myſelf, I adopted this expedient. "I gave my own vote according to my conſcience, but, at the ſame "time, employed all my eloquence to prevail with my aſſociates to "abſolve the criminal. Now I cannot but reflect upon this act "with concern, from an apprehenſion that there was ſomething of "perfidy, in perſuading others to go counter to what I myſelf "eſteemed right."‖

* Plut. in Vit. Ageſilai. † Cic. de Off. lib. ii. 14.

‖ See ſome judicious obſervations on this ſubject in Fitzthomas's Letters

Tully's falſe ideas, concerning the privileges of friendſhip, betrayed him on ſeveral occaſions into meanneſs, and even immorality of conduct. In one of his letters, he earneſtly ſolicits Atticus to be guilty of prevarication in his defence. It ſeems that he had written an invective oration againſt an eminent ſenator, ſuppoſed to be Curio. This piece was deſigned only for the entertainment of a ſelect party; but had fallen into the hands of his enemies, and been publiſhed by them. He wrote, therefore, to his friend in the following terms: *Percuſſiſti autem me de oratione prolata; cui vulneri, ut ſcribis, medere, ſi quid potes.* ——— *Et quia ſcripta mihi videtur negligentius quam cæteræ, puto poſſes probare non eſſe meam.** "You have ſhocked me with the news that my oration "is made public. Heal the wound, if you poſſibly can. ——— "As it is written more negligently than my other orations, I think "you may prove it *not to be mine.*" It is remarkable, that Tully ſhould have made a requeſt of this nature to Atticus, who is ſaid to have had ſuch an abhorrence of deceit, that he never uttered a falſehood himſelf, nor could pardon it in another. Cicero's letter to Lucceius, requeſting him to write the hiſtory of his life, "and not "to reject the generous partiality of friendſhip, *but to give more* "*to affection than to truth,*" is too well known to be recited here.†

But, extravagantly as many of the ancients have eſtimated friendſhip, a modern writer of diſtinguiſhed eminence has rated it ſtill higher; and does not heſitate to aſſert, that all the diſcourſes

* Ep. ad Attic. iii. 12.

† In the intercourſe of friendſhip the Romans do not appear to have diſplayed much delicacy of ſentiment. The paſſages which I have quoted from Cicero, evince the truth of this obſervation. Horace affords a further confirmation of it in the cloſe of his beautiful addreſs to Groſphus, Ode XVI. lib. ii. And Pliny in one of his familiar epiſtles (Ep. XIX. lib. i.) diſgraces an act of the moſt exalted generoſity, by the inſult to amity which accompanies it. "Born," ſays he to Romanus Firmus, "in the ſame town, educated in the ſame ſchool, and living "with you from early youth in habits of ſtrict connection, I feel the ſtrongeſt "motives to promote the advancement of your fortune and dignity. I ſend you, "therefore, three hundred thouſand ſeſterces, (2421l. ſterling) to elevate you from "the rank of decurio to that of a Roman knight." But he then adds, "From "my knowledge of your character, it is unneceſſary to admoniſh you to behave "in your new ſtation, thus conferred by me, with the modeſty which becomes "my beneficiary. For that honour ſhould be ſolicitouſly preſerved, in which the "reputation of a benefactor is involved." *Ego ne illud quidem admoneo, quod admonere deberem, niſi te ſcirem ſponte facturum, ut dignitate à me data quam modeſtiſſime, ut a me data, utare. Nam ſolicitus cuſtodiendus eſt honor, in quo etiam beneficium amici tuendum eſt.*

on the ſubject, which are handed down to us, appear to him flat and low, in compariſon with the ſenſe which he entertains of it. "This bond," he ſays, "diſſolves every antecedent obligation; "and the ſecret which I have ſworn not to reveal to another, I "may, without perjury, communicate to him, who is not *another*, "but *myſelf*."* If the author of the *Internal Evidence of Chriſtianity*† had confined himſelf to ſuch unwarrantable ideas of friendſhip, when he diveſts it of the ſanction of our Divine Lawgiver, there could be no difficulty in acquieſcing in his deciſion. But an affection ſo congenial to the principles of our religion, when properly governed, and judiciouſly directed, ſeems to merit, and I truſt is not deſtitute of, evangelical ſupport. Benevolence is, indeed, the great law of the Goſpel diſpenſation; but it muſt have its commencement in the more confined and partial charities: and the man who has felt not the appropriated regard of a ſon, a brother, a huſband, or a friend, cannot have a heart capable of being expanded with philanthropy. Even piety itſelf originates from the filial relation and we learn to transfer to the Deity that gratitude and veneration, with which the tender offices and wiſdom of our parents firſt inſpired us. It is not the object of Chriſtianity to overturn, but to regulate the œconomy of the human mind: and if benevolence muſt have its foundation in private affection, the divine law, which directs the former, neceſſarily inculcates the latter.

That our Saviour himſelf experienced the tendereſt ſympathies of friendſhip, may, I think, be juſtly deduced, both from his ſtrong attachment to John, the favourite diſciple, and from the expreſſions of peculiar endearment, with which he performed the miracle of raiſing Lazarus from the dead. On this affecting occaſion the Evangeliſt relates, that *Jeſus wept*: and ſo ſenſible were the Jews of the anguiſh of his ſoul, that they cried out, *Behold how he loved him!*‡ And if CHRIST gave ſuch a deciſive proof of perſonal attachment and friendſhip, the hiſtory of the Goſpel no leſs clearly evinces, that his diſciples felt an affection of the ſame tender and peculiar kind to their Divine Maſter. In the pathetic converſation which paſſed previous to the ſufferings and death of JESUS, when

* See Montaigne's Eſſays, book i. chap. 27. † Soame Jenyns, eſq.

‡ John, chap. xi. ver. 35, 36. See ſome admirable reflections on this ſubject in the Notes to Mr. Melmoth's Tranſlation of Lælius.

he prophetically, but tenderly, charged them with their future defection, Peter, in the warmth of his regard, replied, *though I ſhould die with thee, yet will I not deny thee.* The bitter repentance of this Apoſtle, ſubſequent to the miſeonduct whieh his great Maſter had predicted, affords a further diſplay of the force of his friendſhip: and CHRIST himſelf afterwards honoured him with the kindeſt and moſt explieit acknowledgment of it. *So when they had dined, Jeſus ſaith to Simon Peter, Simon, ſon of Jonas, loveſt thou me, more than theſe? He ſaith unto him, Yea, Lord, thou knoweſt that I love thee. He ſaith unto him, Feed my lambs. He ſaith unto him again the ſecond time, Simon, ſon of Jonas, loveſt thou me? He ſaith unto him, Yea, Lord, thou knoweſt that I love thee. He ſaith unto him, Feed my ſheep. He ſaith unto him the third time, Simon, ſon of Jonas, loveſt thou me? Peter was grieved becauſe he ſaid unto him the third time, loveſt thou me? And he ſaid unto him, Lord, thou knoweſt all things; thou knoweſt that I love thee. Jeſus ſaith unto him, Feed my ſheep.*†

In the intereſting paſſage here reeited, that lively, reciprocal, and peeuliar regard, whieh eonſtitutes friendſhip, is not only recogniſed, but appealed to and authorized as a generous and animating principle of action. And if the great Founder of our religion has no where expreſsly ordained it as a duty, it is probably, becauſe this virtue is of *ſpecial*, and not of *univerſal* obligation; depending on particular relations, and eontingent circumſtances, whieh human power can ſeldom influence or command. It may be added, too, that the divine law preſuppoſes the exiſtence of ſuch affections as are purely natural and ſpontaneous; and directs its preeepts, not to their production, but ſolely to their government and regulation. Hence we find not in the whole eompaſs of the ſeriptures, one explicit injunction to parents to love their children: yet, ſurely, this very eſſential moral oſſiee is not to be excluded from the catalogue of evangelical graees, notwithſtanding the ſilenee of saered writ concerning it. And the ſame plea may be extended to friendſhip, with due allowance for its rarer oecurrenee and more partial obligation. The Chriſtian, therefore, in perfect conſiſtency with his faith, may admire and imitate the examples of generous amity, which hiſtory and obſervation exhibit to his view. *Peradventure for a good man*, ſays the Apoſtle, *ſome might even dare to die.*

† John, ch. xxi. ver. 15, 16, 17.

And the ſacrifice of our own eaſe, intereſt, or life itſelf, for the advantage of another, with whom we are connected by ſtrong and peculiar ties, may not only be juſtifiable, but highly honourable and meritorious. Let it be remembered, however, that the privileges of friendſhip are ſubordinate to the rights of ſociety; and that no attachment, merely perſonal, can warrant the violation of juſtice, fidelity, or truth.

The ideas which have been entertained of VALOUR, and the LOVE of our COUNTRY, are ſtill more licentious than thoſe above recited concerning FRIENDSHIP. It ſhould ſeem, that the underſtanding is dazzled by the ſplendour which uſually accompanies theſe virtues; and that they are eſtimated by the rarity of their occurrence, or by the elevated ſtation of their poſſeſſors, rather than by the ſtandard of intrinſic merit or public utility. Juſtice and probity are ſlightly regarded, as the *ordinary* duties of ſocial life, equally incumbent on all ranks of men: and he who practiſes them, appears to have no claim to more than common approbation. But great exertions of courage or patriotiſm, as they exceed the demands, ſo they proportionably excite the admiration of our fellow-citizens. This admiration kindles in the mind an enthuſiaſm which often ſuſpends, and ſometimes ſuppreſſes, the calmer principles of humanity, equity, and truth; and the hero or patriot is indulged in all the privileges which he aſſumes; nothing being judged criminal that promotes the perſonal glory of the one, or the ambitious views of the other. The hiſtory of all ages confirms the truth of theſe obſervations: but they are more particularly applicable to the records of antiquity; which, for the moſt part, celebrate the deeds of warriors and ſtateſmen with unqualified applauſe, and without the leaſt diſcrimination of right and wrong.

V. DUPLICITY OF CHARLES I.*

CONSULT Clarendon, vol. i. p. 22; Ruſhworth, vol. i. from p. 119 to 127; Hume's Hiſt. 4to. vol. i. p. 10., ed. 1754. "He "had promiſed to the laſt Houſe of Commons a redreſs of this reli- "gious grievance; but he was too apt, in imitation of his father, to

* See page 54.

" conſider theſe promiſes as temporary expedients, which, after the " diſſolution of the parliament, he was not any further to regard." Id. p. 156. See alſo the Life of the Lord-Keeper Williams, p. 143; Whitlock, p. 10; the Petition of Rights; Harris's Hiſtory; Sidney's State Papers, vol. ii. p. 665, &c. Rapin ſays, " Charles made fre- " quent uſe of mental reſervations, concealed in ambiguous terms, " and general expreſſions, of which he reſerved the explication to a " proper time and place. For this reaſon the parliament could " never confide in his promiſes, wherein there was always either " ſome ambiguous term, or ſome reſtriction that rendered them uſe- " leſs. This may be ſaid to be one of the principal cauſes of his " ruin; becauſe giving thereby occaſion of diſtruſt, it was not poſſi- " ble to find any expedient for a peace with the parliament. He was " thought to act with ſo little ſincerity in his engagements, that it " was believed there was no dependence on his word. The parlia- " ment could not even reſolve to debate on the king's propoſitions, " ſo convinced were they of his ability to hide his real intentions " under ambiguous expreſſions." Rapin's Hiſt. vol. ii. p. 570. The following paſſage is taken from the works of an hiſtorian, who is acknowledged to have been very partial to King Charles. " *Malé poſita eſt lex, quæ tumultuariè poſita eſt*, was one of thoſe " poſitions of Ariſtotle," ſays he, " which hath never ſince been " contradicted; and was an advantage, that being well managed, " and ſtoutly inſiſted upon, would in ſpite of all their machinations, " which were not yet firmly and ſolidly formed, have brought them " to a temper of being treated with. But I have ſome cauſe to " believe, that even this argument, which was unanſwerable for the " rejecting that bill, was applied for the confirming it; and an opi- " nion that the violence and force uſed in procuring it rendered it " abſolutely invalid and void, made the confirmation of it leſs con- " ſidered, as not being of ſtrength to make that act good, which " was in itſelf null. And I doubt this logic had an influence upon " other acts of leſs moment."—Clarendon's Hiſt. vol. ii. p. 30. Rapin makes the following obſervation on this paſſage:—" Let " the reader judge after this, if we may boaſt of King Charles's " ſincerity, ſince even in paſſing acts of parliament, which are the " moſt authentic and ſolemn promiſes a king of England can make, " he gave his aſſent, merely in an opinion that they were void in " themſelves, and conſequently he was not bound by this engage-

"ment." I have inſerted theſe references and quotations, not merely to authenticate the charge againſt King Charles, but to ſhew, from his unhappy fate, how deluſive, dangerous, and infamous, is the following political obſervation of Machiavel:—"It has appeared "by experience, that thoſe princes who have made light of their "word, and artfully deceived mankind, have all along done great "things, and have at length got the better of ſuch as proceeded "upon honourable principles."

VI. DISPUTATION.*

POLEMIC ſkill is a dangerous qualification; and, if not governed by charity, wiſdom, and integrity, may betray the poſſeſſor either into intemperate zeal, or abſolute indifference for truth. Every object aſſumes an importance, in our eſtimation, proportioned in ſome degree to the labour and attention which we beſtow upon it: and the ſame enthuſiaſm that dignifies a butterfly or a medal to the virtuoſo and the antiquary, may convert controverſy into quixotiſm; and preſent, to the deluded imagination of the theological knight-errant, a barber's baſon, as Mambrino's helmet.* The real value of any doctrine can only be determined by its influence on the conduct of man, with reſpect to himſelf, to his fellow-creatures, or to GOD: and it has been well obſerved, by a writer of diſtinguiſhed abilities, that ſome kinds of error and ſuperſtition are ſo intimately connected with truth and virtue, as to render the ſeparation of them impracticable, without doing violence to both. It is better, therefore, according to our SAVIOUR's excellent advice, to let a few tares grow up with the wheat, (if they be of ſuch a nature, as to ſuffer the wheat to grow along with them,) than to endanger the deſtruction of the wheat by rooting up the tares.§

Bigotry may be aſſociated with truth, as well as with error: and this temper of mind is always unfavourable to piety and philanthropy, whatever be the principles on which it is founded. Eraſmus aſſerts, that moſt of the reformers with whom he was acquainted, became worſe men in conſequence of the revolution which they

* See page 61.

* See Don Quixote. § See Prieſtley on the Sacrament, p. 63.

accomplished. I know not whether this fact will be admitted on his authority: but certain it is, that the fury of zeal, and the acrimony of disputation, are neither consonant to the religion of nature, nor to the meek and peaceable spirit of the Gospel.

But polemic skill is sometimes employed in the defence of opinions, which are known or believed to be false: and by this practice, the understanding either becomes the dupe of its own impositions, or acquires that indifference to truth which constitutes incurable scepticism, and sometimes terminates in the most fatal depravity. For he who has learned to be regardless of right and wrong, in sentiment or in principle, can have no solicitude about the like distinctions in his dispositions or behaviour. Such moral apathy gives full scope to every irregular desire, and vicious propensity; and if it be associated with great intellectual endowments, a character may be formed, at once the glory and the disgrace of human nature. Sallust describes Cataline as *subdolus, varius, cujuslibet rei* SIMULATOR *ac* DISSIMULATOR. And I am inclined to believe, that the remarkable portrait of SERVIN, which the Duke of Sully has drawn, owes some of its most distinguishing features to the cause here alluded to:—"Let "the reader represent to himself a man of a genius so lively, and an "understanding so extensive, as rendered him scarcely ignorant of "any thing that could be known; of so vast and ready a comprehen- "sion, that he immediately made himself master of whatever he "attempted; and of so prodigious a memory, that he never forgot "what he had once learned. He possessed all parts of philosophy and "the mathematics, particularly fortification and drawing. *Even* "*in theology he was so well skilled, that he was an excellent preacher,* "*whenever he had a mind to exert that talent; and an able disputant* "*for and against the reformed religion, indifferently.* He not only "understood Greek, Hebrew, and all the languages which we call "learned, but also all the different jargons, or modern dialects. "He also accented and pronounced them so naturally, and so per- "fectly imitated the gestures and manners, both of the several "nations of Europe, and the particular provinces of France, that "he might have been taken for a native of all or any of these "countries; and this quality he applied to counterfeit all sorts of "persons, wherein he succeeded wonderfully. He was, moreover, "the best comedian and greatest droll, that perhaps ever appeared. "He had a genius for poetry, and had written many verses. He

" played upon almoſt all inſtruments, was a perfect maſter of muſic, " and ſung moſt agreeably and juſtly. *He likewiſe could ſay maſs;* " *for he was of a diſpoſition to do, as well as to know, all things.* " His body was perfectly well ſuited to his mind; he was light, " nimble, dextrous, and fit for all exerciſes: he could ride well; " and in dancing, wreſtling, and leaping, he was admired. There " are not any recreative games that he did not know; and he was " ſkilled in almoſt all mechanic arts. But now for the reverſe of " the medal: here it appeared, that he was treacherous, cruel, " cowardly, deceitful; a liar, a cheat, a drunkard, and a glutton; " a ſharper in play, immerſed in every ſpecies of vice, a blas- " phemer, an atheiſt. In a word, in him might be found all the " vices contrary to nature, honour, religion, and ſociety; the truth " of which he himſelf evinced with his lateſt breath; for he died, " in the flower of his age, in a common brothel, perfectly cor- " rupted by his debaucheries, and expired, with a glaſs in his hand, " curſing and denying GOD."*

VII. INDISCRIMINATE PLEADINGS OF LAWYERS.†

THE Roman orators engaged in the defence of their clients or dependents, in the courts of judicature, without fee or reward: and, under ſuch circumſtances, it might be ſuppoſed, that their pleadings would be regulated by the pure principles of juſtice and rectitude. But the fact was often far otherwiſe, through the influence of ambition, the pride of victory, the connections of party, and the future expectation of gifts or legacies. Hortenſius ſupported the cauſe of the infamous Verres: and Cicero ſeems to have formed a deſign of undertaking that of Cataline, when he was brought to trial on account of his cruel and ſcandalous oppreſſions in Africa: for, in a letter to Atticus, he ſays: " It is my preſent inten- " tion to defend Cataline. We have judges to our mind; yet ſuch as " pleaſe the accuſer himſelf. I hope, if he be acquitted, it will in-

* See the Tranſlation of Sully's Memoirs, vol. iii., p. 92.

† See page 64.

"cline him to ſerve me in our common petition." Indeed, this celebrated orator does not ſcruple to declare, that it is the buſineſs of an advocate not ſo much to deliver what is *true* as what is uſeful to his client; the diſcovery of truth being the office of the judge, and not of the pleader! a ſentiment which he juſtifies on the authority of Panætius the Stoic, (De Officiis, ii. 14.) In one of his orations he ſays, "That man is much miſtaken, who conceives he has an "authentic ſpecimen of our opinions in theſe judicial pleadings: "they are the ſpeeches of the cauſes, and of the times, not of the "men or the advocates."—Pro. A. Cluentio. Quinctilian, though he lays it down as a rule, that an orator ſhould be a good man, (*oratorem eſſe virum bonum, dicendi peritum,*) allows, notwithſtanding, very conſiderable latitude to the art of pleading, as will appear from the cloſe of the firſt chapter of his twelfth book. Modern lawyers have carried the licenſe of the bar to its utmoſt extent: and a judge, in his charge to the jury, at the aſſizes for the county and city of Worceſter, declared it to be "the duty of every counſel, "upon all occaſions, and without reſerve, to take the brief which "ſhould be firſt offered him."—See Notes to Juſtification, a poem. It is probably on this ground a celebrated hiſtorian has aſſerted, that the gentlemen of the long robe "govern their conſciences by "rules peculiar to themſelves, and entirely oppoſite to the ideas "which prevail with honeſt men of other profeſſions."—Macaulay's Hiſt. of England. It ſhould ſeem, that the father of Sir Matthew Hale entertained the like ſentiments: for Biſhop Burnet relates, that he quitted the bar, becauſe he diſapproved of the common mode of *giving colour in pleadings*, which he thought a culpable deviation from truth. It is recorded alſo, of Sir Matthew Hale himſelf, that whenever he was convinced of the injuſtice of any cauſe he would engage no farther in it than to explain to his client the grounds of that conviction. His biographer ſays, that he abhorred the practice of miſreciting evidences, quoting precedents or books falſely or unfairly, ſo as to deceive ignorant juries, or inattentive judges; and that he adhered to the ſame ſcrupulous ſincerity in his pleadings, which he obſerved in the other tranſactions of his life. For he uſed to ſay, "it was as great a diſhonour as a man was capable of, that "for a little money he was to be hired to ſay or do otherwiſe "than he thought."*

* See Britiſh Biography, vol. v. p. 383.

According to the laws which now ſubſiſt, no counſellor can maintain an action for his fees, or ſo much as demand them, without doing wrong to his reputation.* He is liable alſo to a year's impriſonment, and to be condemned to perpetual ſilence in the courts, if detected in the practice of deceit or colluſion.†

ON

HABIT AND ASSOCIATION.

SUPPLEMENTARY REMARKS AND ILLUSTRATIONS.

I. REV. SIMON BROWNE.*

THE conjectures, concerning the cauſe of Mr. Browne's very extraordinary inſanity, having been read, in the former edition of this work, by one acquainted with the real circumſtances of the caſe, I have been favoured with the communication of the following intereſting particulars:—"Mr. Browne and another miniſter were "walking together, near Hampſtead, in a part of the road infeſted "by a notorious footpad. His companion ſaid, ſuppoſe the footpad "ſhould attack us, what ſhall we do? It will be a ſhame, replied "Mr. Browne, for two perſons, ſo ſtout as we are, to be robbed by "one man. Soon afterwards, the footpad appeared; and, whilſt "the other miniſter amuſed him with the delivery of his money,

† See Blackſtone's Commentaries, book iii. chap. 3.

‡ Statute Weſtm. I. 3 Edw. I. ch. 28. Blackſtone's Commentaries, b. iii. ch. 3.

* See page 78.

" Mr. Browne got behind him, took him in his arms, threw him " down, and held him faſt, but did not ſtrike him. The companion " ran for aſſiſtance, and ſoon returned. Mr. Brown roſe up; but " on detaching himſelf from the robber, found that he had preſſed " him to death. The ſhock of this event, with his previous agita- " tion of mind, affected his brain ſo forcibly, that he thought GOD " had taken away his ſoul from him; and that he did it, judicially, " for his neglect of the divine rule of our SAVIOUR, *If any man* " *take thy cloak, let him have thy coat alſo.*"

II. INFLUENCE OF SCENERY ON ASSOCIATION.*

IN the life of the Hon. Robert Boyle, drawn up by himſelf, we are informed, that "curioſity led him to thoſe wild mountains, " where the firſt and chiefeſt of the Carthuſian abbies does ſtand " ſeated; where the devil, taking advantage of that deep raving " melancholy, ſo ſad a place, his humour, and the ſtrange ſtories " and pictures he found there of *Bruno*, the father of that order, " ſuggeſted ſuch ſtrange and hideous thoughts, and ſuch diſtracting " doubts of ſome of the fundamentals of Chriſtianity; that, though " his looks did little betray his thoughts, nothing but the forbid- " denneſs of ſelf-diſpatch hindered his acting it. But after a tedi- " ous languiſhment of many months, in this tedious perplexity, at " laſt it pleaſed GOD, one day he had received the ſacrament, to " reſtore unto him the withdrawn ſenſe of his favour."—BOYLE'S Works, 4to. vol. i. p. 23.

III. LUDICROUS ASSOCIATIONS.†

THE author of the Critique on the former edition of this work, in the Engliſh Review for September 1784, has related the the following curious fact:—" Some years ago, a reſpectable cler- " gyman, an inhabitant of London, took country lodgings at a

* See page 89. † See page 92.

" ſmall diſtance from the capital. While at theſe lodgings, he " uſually roſe early, walked into the fields, and drank warm milk. " In one of his morning walks, it ſtruck him that he would try if " he could milk a cow; he immediately ſquatted down, in imitation " of the dairy-maids, and began to exerciſe his fingers after their " manner. In the midſt of his operations, two of the damſels " arrive in the field, and perceiving a grave clergyman in ſo ludi- " crous a poſture, burſt into an immoderate fit of laughter, accom- " panied with ſome jocular reproaches. Struck with the ridicule of " his ſituation, the clergyman hurried to his lodgings in the utmoſt " confuſion; and ſo ſtrong is the impreſſion, which this inconſider- " able incident has made upon his mind, that ever ſince he fancies " theſe women, or ſome of their companions, are conſtantly follow- " ing him wherever he goes, ſinging ballads relative to the event " which has ſo much affected him, and expoſing him, in a variety " of ways, to the laughter of his neighbours. In every other re- " ſpect he poſſeſſes the moſt perfect clearneſs and ſolidity of under- " ſtanding, diſcharges the duties of his office as formerly; and, as " he is a man of wit and learning, is conſidered by his acquaint- " ance as a valuable and an agreeable companion." The author of this article has added, that M. Paſchal believed a gulph was before him, and a ſcreen placed to guard him from the view of it.

IV. SECT OF QUAKERS.*

THE genius and manners of the French ſeem peculiarly unfavourable to the principles and habits of the ſect called Quakers. Yet this reſpectable community has lately planted a colony, and " obtained a civil eſtabliſhment, amongſt our gay and volatile neighbours. During the aſſembly of the NOTABLES, a memorial was preſented to the Count de Vergennes, by one of the heads of their ſociety, ſtating that, " In the northern provinces of France, " there are many hundred dutiful ſubjects, who, though they are " neither Roman Catholics nor Proteſtants, yet worſhip GOD in

* See page 101.

" the ſame temples with Jeſus and his Apoſtles, viz. in the inward " of their ſouls; and purſue, in reverent ſilence, the doctrine of " CHRIST only, without any mixture of human innovation." The Proteſtants, it is ſaid, oppoſed the petition of the Quakers for the free exerciſe of their religion; and ſtrongly ſolicited, that they alone might be included in the plan of toleration. But juſtice and ſound policy prevailed in the king's council; and the Quakers obtained liberty of conſcience, not only for themſelves, but, agreeably to their prayer, for every ſect, which maintains peace and good order. Decent places of burial are aſſigned to them; they are confirmed in all their rights of poſſeſſion and inheritance; and the edict of the king provides, that whenever a child is born, belonging to one who does not believe in the neceſſity of baptiſm, it ſhall only be required of the father or mother to notify ſuch birth to the magiſtrate.

ON

INCONSISTENCY OF EXPECTATION.

I. COMPLAINTS OF LITERARY MEN.*

MR. GRAY, in one of his letters to Mr. Maſon, thus expreſſes himſelf:—" A life ſpent out of the world has its hours of " deſpondence, its inconveniences, its ſufferings, as numerous and " as real, though not quite of the ſame ſort, as a life ſpent in the " midſt of it. . . . . As to myſelf, I cannot boaſt, at preſent, either of " my ſpirits, my ſituation, my employments, or fertility. The days " and the nights paſs, and I am never the nearer to any thing, but " that one to which we are all tending; yet I love people that leave

* See page 117.

"ſome traces of their journey behind them, and have ſtrength "enough to adviſe you to do ſo while you can."—Letter xxviii. vol. iv. p. 25. To Dr. Wharton, Mr. Gray writes in the following terms:—"You flatter me, in thinking that any thing I can do,* "could at all alleviate the juſt concern your loſs has given you; "but I cannot flatter myſelf ſo far, and know how little qualified I "am, at preſent, to give any ſatisfaction to myſelf on this head, "and in this way; much leſs to you. I by no means pretend to "inſpiration; but yet I affirm, that the faculty in queſtion is by no "means voluntary; it is the reſult (I ſuppoſe) of a certain diſpo- "ſition of mind, which does not depend on one's ſelf, and which "I have not felt this long time. You, that are a witneſs how ſel- "dom this ſpirit has moved me in my life, may eaſily give credit "to what I ſay."—Letter xxxii. vol. iv. p. 45.

II. LOVE OF SCIENCE, THE RULING PASSION.†

IN the Biographical Dictionary, vol xii. under the article EULER, it is recorded of BOERHAAVE, that when lying on his death-bed, he anxiouſly counted his pulſe, to aſcertain whether he could live to ſee a publication, which he expected from the preſs.

M. EULER, in 1735, ſolved, in three days, a very extraordinary problem. But the violent and unremitting efforts which it coſt, occaſioned a fever, which endangered his life, and deprived him of the uſe of his right eye. Annual Regiſter, 1785, p. 10.

* Dr. Wharton had requeſted Mr. Gray to write an epitaph on his ſon.

† See page 122.

ON THE ALLIANCE OF

NATURAL HISTORY WITH POETRY.

I. YELLOW VISION IN JAUNDICE.*

THIS obſervation I regarded as a vulgar error, and have endeavoured to ſhew, in the Diſſertation now referred to, that it is neither confirmed by experience, nor conſonant to reaſon; but two inſtances have lately occurred in the circle of my practice, which clearly evince that the opinion has ſometimes a foundation in fact, and that concluſions drawn, even from a very general induction, may be fallacious: for my obſervations were made with attention, during a courſe of near twenty years. The patients now alluded to, were men of middle age, who had lived intemperately, whoſe malady had proved obſtinate, but whoſe eyes were not tinged with bile, in an extreme degree: yet they were uniform in their teſtimony, that all white objects aſſumed a yellow caſt; and that this hue was deepeſt on their riſing from bed in a morning.

* See page 145.

AN

INQUIRY

INTO THE

PRINCIPLES and LIMITS of TAXATION,

AS A BRANCH OF

MORAL AND POLITICAL PHILOSOPHY.

AN INQUIRY

INTO THE

*Principles and Limits of Taxation.**

MAN has a natural right to life, liberty, and property. Life is the gift of GOD, and held under his diſpoſal and authority: Liberty is eſſential to the perfection of a rational, a moral, and an accountable agent: and Property reſults from the exertion of thoſe powers and faculties, which the Deity has beſtowed, which duty calls forth into action, and which are neceſſary to well-being, and even to ſelf-preſervation. Theſe ſeveral rights involve the lawfulneſs of their ſupport, and the guilt of their invaſion. An attack upon his life or liberty will juſtify a man, in the defence of them, even to the deprivation of the life or liberty of his enemy; and the invaſion of his property

* This little tract was written for diſcuſſion in the Literary and Philoſophical Society, at a period when taxation was a ſubject peculiarly intereſting to the inhabitants of Mancheſter, on account of a recent duty on the cotton-manufactory; which was afterwards repealed, through the candour and wiſdom of Parliament. It was ballotted for inſertion in a former volume of the Society's Memoirs, but was then withdrawn by the author, and has ſince been reviſed and enlarged. An Appendix is added, at the end of the Inquiry, containing ſupplementary notes and illuſtrations.

will warrant his repriſals on the property of the invader. But the ability of an individual would frequently be inadequate to the defence or protection of his rights; nor could he judge, with impartiality, concerning the puniſhment due to the violation of them. In a ſtate of ſociety, therefore, individuals give up to the civil magiſtrate, as their repreſentative, the right of protection and puniſhment. This right becomes a public one, and is to be defended by the collective power and united expence of the community. From theſe principles flow the duty of allegiance, the authority of laws, and the claims of revenue. To reſiſt the attack of foreign enemies, fleets and armies muſt be provided; to ſupport domeſtic peace, to adminiſter diſtributive juſtice, and to regulate the police of cities and diſtricts, civil officers of various ranks and denominations are to be maintained and remunerated; and conſiderable funds will be required for the encouragement of ſcience, the advancement of arts, and the extenſion of commerce. Thus multiplied and complicated are the juſt and neceſſary charges of government.

The *moral obligation* to pay taxes reſults from the ALLEGIANCE due to the ſovereign power, for the PROTECTION which it affords to life, liberty, and property; and for the energy which it exerts in the promotion of order, induſtry, virtue, and happineſs.

This obligation is common to the ſubjects of every government; but under the happy conſtitution of Great-Britain, where ſubſidies are never claimed by

the ſupreme magiſtrate without the conſent of parliament, we become bound, by a VOLUNTARY COMPACT, made by our delegates, to contribute to the public exigencies, in ſuch proportions, and according to ſuch modes, as they have deliberately enacted.

And, by the refuſal to grant ſuch contributions, or by the evaſion of them, we not only injure the public weal, but, indirectly, INVADE the PROPERTY of our FELLOW-CITIZENS, who muſt bear the burden of additional impoſts, in conſequence of our contumacious exemption.

The validity of theſe ſeveral obligations is equally clear and forcible. And as man is deſtined, by his intellectual powers and moral propenſities, no leſs than by his wants and weakneſſes, for a ſtate of ſociety, the obligations are not merely voluntary, or of *poſitive* inſtitution; but ſo far as they are eſſential to that ſocial ſtate, originate in the law of nature, which can be deemed no other than the will of GOD. Yet, though government, in this ſenſe, is of divine authority, it is ſo conſtituted by its adaption to the intereſts and felicity of its ſubjects. The rights of the people, therefore, are not only antecedent to, but included in, thoſe of the magiſtrate; and conſequently there can never ſubſiſt a legitimate competition between them. Yet the hiſtory of the world is one continued ſeries of ſuch competitions; and experience hath fully evinced, that they have generally ſprung from the arrogance, the ambition, and the deſpotiſm of rulers. To vindicate the ſacred and unalienable

rights of the people, is, in reality, to ſubſerve the true ends of government. A good citizen, under every legal, equitable, and well-adminiſtered polity, with duty and gratitude, will *render unto Cæſar, the things that are Cæſar's*. But the deciſion, concerning the *things that are Cæſar's*, reſts not on the unſtable foundation of arbitrary will; and the appeal may with confidence be made to the principles of reaſon, of juſtice, and of patriotiſm. On theſe principles, I ſhall endeavour to explain the limits of the ſeveral *moral obligations*, laid down in the three foregoing propoſitions. (A.)*

I. ALLEGIANCE is due for the PROTECTION of the ſovereign power. But protection may be paid for at too high a rate: for, in every convention, a juſt proportion ſhould be preſerved, between the price and the value of the commodity. "If, to purchaſe "a ſword for my defence againſt a thief, I muſt empty "my purſe, intereſt will lead me rather to make a "compoſition with the plunderer; or prudence will "dictate ſome other leſs chargeable means of ſecu-"rity."† Lord Herbert of Cherbury relates, in his travels through Savoy, that "though the Duke had "put extreme taxations on his people, inſomuch that "they paid him not only a certain ſum for every horſe, "cow, ox, or ſheep that they kept; but afterwards "for every chimney; and, finally, every perſon by the

* The capitals refer to the notes in the Appendix, which is placed at the end of the Eſſay.

† Abbé Raynal.

"pole, which amounted to a piſtole or fourteen "ſhillings a head or perſon, yet he wanted money; "at which I did not ſo much wonder, as at the pa- "tience of his ſubjects."‡ After the cruel expulſion of the Moors from Spain, by which that kingdom was deprived of more than half a million of induſtrious inhabitants, new contributions were impoſed on the poor and indolent natives, to ſupply the unavoidable, though unexpected deficiency of the royal revenue, reſulting from that impolitic meaſure. This fertile country has indeed been deſolated by the oppreſſive laws and rapacious exactions of its government. The number of the people has been reduced, within the ſpace of a few centuries, from twenty to ſeven millions; and the produce of corn, formerly furniſhing not only a full ſupply for internal conſumption, but alſo a large exportation to other parts of Europe, is now inſufficient for its own diminiſhed population. Every manufacture, and even neceſſary of life, is charged with an impoſt of fourteen *per cent.* on the firſt, which is repeated on each ſubſequent, ſale.* Philip II. attempted to lay the ſame burthenſome duty on his ſubjects in the Netherlands; and the attempt, it is well known, was one principal cauſe of the glorious revolution, which freed the United Provinces from his tyranny.

Protection may be very unduly or unequally diſpenſed; and the ordinary benefits of the ſocial union not participated, in any reaſonable degree, by the

‡ Life of Lord Herbert. * Lord Kaims.

bulk of the community, Great lords may be ſuffered to tyrannize over their tenants or vaſſals, whilſt the country is, at the ſame time, made a priſon to its inhabitants, by the ſevereſt prohibitions of emigration. At the beginning of the ſixteenth century, there ſubſiſted in Ruſſia no other ſlaves except priſoners of war. A new arrangement took place after the conqueſt of Caſan and Aſtracan. Theſe beautiful and fertile provinces ſo powerfully attracted the peaſantry, that a rigorous law enſued, in 1556, which confined them all to their own glebe: and they were thus at once diveſted of property and perſonal liberty.* Similar revolutions have occurred in the other northern ſtates; and the conſequences have been penury, wretchedneſs, and a degradation of the human ſpecies. In France, the tax called the *Taille* uſed to be levied on men, who, being without any other property than their neceſſary utenſils, and ſubſiſting ſolely on their daily wages, could not be compelled to payment, even by violence itſelf. Every collector, who was conſtrained to undertake the levy of the tax, had authority to call upon the four perſons in the diſtrict, whoſe proportion of the *Taille* was the greateſt, to fill up all deficiencies; and they were thus forced, by the ſale of their effects, or by impriſonment, to expiate the negligence of the collector, or the poverty of their neighbours; notwithſtanding they had themſelves diſcharged their own ſhare of the impoſt.†

* Abbé Raynal.

† Life of Turgot, by the Marquis de Condorcet.

In ſuch caſes, and in others which might be ſpecified, the principles are ſubverted, on which the claim to allegiance is founded: and taxes may then be enforced by penalties, but will no longer be paid from any juſt ſenſe of moral or political duty.

Subſidies may be perverted from their original deſignation, and applied to the purpoſes of ambition, oppreſſion, or the eſtabliſhment of deſpotic power. This occurred in the reign of James II. and occaſioned his expulſion from the kingdom. And in that of Charles I. when ſhip-money was levied under the deluſive and dangerous plea of ſtate-neceſſity, though England then enjoyed a profound peace with all her neighbours, we venerate the intrepid patriotiſm of Hampden, for the noble ſtand he individually made againſt its exaction. Yet the exaction had been laid with great equality; had been ſo generally ſubmitted to by the people, as to produce, in 1636, more than two hundred thouſand pounds; and had been ſolemnly authoriſed by the twelve judges; who, by their ſervile deciſion, to uſe the words of Lord Clarendon, "left no man any thing he might call his "own."

II. But it may be alleged, that the oppoſition of Hampden was chiefly grounded on the *illegality of* ſhip-money, as ſubjecting the people to the arbitrary will of the prince; and that A TAX GRANTED BY PARLIAMENT is a ſolemn and VOLUNTARY COMPACT between the PEOPLE and their SOVEREIGN, binding the former in all caſes whatſoever. This

poſition implies the lower houſe of parliament to have been legally and conſtitutionally choſen, and not like the packed aſſemblies in the reigns of Richard II. and James II. In the former, the ſheriffs were commanded to ſuffer none to be returned as knights or burgeſſes, but ſuch as the king's council ſhould nominate:* and in the latter, the illicit practices employed in election produced complaints from every part of England. Yet ſo ſucceſsful were the arts of the court, that James exulted in there being only forty members, who were not entirely devoted to his intereſt.† Admitting, however, the regular election of our repreſentatives, a little conſideration will evince, that the truſt which is delegated can never be unconditional; and that the powers veſted in them may loſe the force of moral obligation, by palpable abuſe and unrelenting perverſion. Fear, ſelf-intereſt, ignorance, or corruption may predominate in their deliberations, and prevail with them to ſacrifice the deareſt intereſts of thoſe by whom they are commiſſioned. In the reign of Henry VIII. the parliament reſigned both their civil and eccleſiaſtical liberties to the king, and by one act totally ſubverted the Engliſh Conſtitution: for they gave to the king's proclamations the full force of a legal ſtatute; and even framed the law, as if it were merely declarative, and intended only to explain the true extent of the regal prerogative.‡ When the ſame arbitrary mo-

* Parliamentary Hiſtory. † Burnet.

‡ Hume, vol. iv. p. 210.

narch heard that the commons made a difficulty of granting a certain ſupply, which he required, he was ſo provoked, as to ſend for Edward Montague, a member who had conſiderable influence in the houſe; and laying his hand on the head of that gentleman, then on his knees before him, imperiouſly ſaid, *get my bill paſſed by to-morrow, or to-morrow this head of yours ſhall be off.* His deſpotiſm too well ſucceeded; for, the next day, the bill was paſſed.† Under the government of Edward VI. a grievous and partial tax was impoſed on the whole ſtock and moneyed intereſt in the kingdom, with an *entire exemption of the land.* One ſhilling in the pound was to be levied yearly on every perſon who poſſeſſed ten pounds or upwards; a ſum equal to half the yearly income of all money-holders, according to the rate of legal intereſt.§

In the year 1660, a perpetual exciſe on ale, beer, &c. was enacted, by parliament, as a *commutation* with Charles II. for the abolition of the court of wards and liveries. This court was an intolerable oppreſſion on the nobility and gentry; as the king exerciſed by it the wardſhip of all infant heirs; and enjoyed the benefit of their eſtates, till they had attained a legal majority. He had, alſo, the abſolute diſpoſal both of male and female heirs in marriage; with other powers liable to great abuſe. But it is evident, that theſe feudal ſervices affected ſolely the

† See Collins's Britiſh Peerage. Hume, vol. iv. p. 51.

§ Hume, vol. iv. p. 346.

proprietors of land; whereas the exciſe muſt fall chiefly on the lower tenantry and labouring poor; and that, therefore, the alleged commutation was, in a conſiderable degree, founded in fraud and injuſtice. In this light it appeared to ſome of the members of the houſe of commons: Mr. Anneſley, in particular, urged, "that if the bill was carried, (which it was "afterwards by a majority of two voices only,) every "man who earns his bread by the ſweat of his brow "muſt pay exciſe, to excuſe the court of wards; "which would be a greater grievance upon all, than "the court of wards was to a few."*

There is on record a ſolemn reſolution, which paſſed in a committee of the houſe of commons, April 6, 1780, when no leſs than four hundred and forty-eight members were preſent, that the influence of the crown *hath increaſed, is increaſing, and ought to be diminiſhed.* (B.) And in the ſtatute of a ſubſequent ſeſſion of parliament, for regulating the king's houſehold, it is enacted, that an oath be taken by the keeper of his majeſty's privy purſe, that no part of it ſhall be applied to the uſe of any member of the Houſe of Commons. We are further warranted in our apprehenſions of the danger ariſing from this ſource, by the authority of the Baron de Monteſquieu, who predicts that the liberties of England will periſh, whenever the legiſlative power ſhall have become more corrupt than the executive: or, as it ſhould, perhaps,

* See Harris's Life of Charles II. vol. i. p. 396. Parliamentary Hiſtory, vol. xxiii. p. 21.

have been expreſſed, whenever the executive power ſhall have acquired a corrupt aſcendancy over the legiſlative. In the reign of Charles II. if the diſpaches of Barillon may be credited, the king of France meditated the eſtabliſhment of a pecuniary influence in the Engliſh parliament. It is alſo well known that Charles was himſelf a penſioner to this monarch, and received large ſums of money for the moſt illicit purpoſes. When the crown egregiouſly abuſes its power, the commons, on various occaſions, have thought themſelves juſtifiable in withholding the ſupplies. If they, however, unhappily countenance and aid ſuch abuſes, and remain deaf to petitions, remonſtrances, and every other conſtitutional claim, the people may continue to ſubmit, but cannot deem themſelves *morally* bound by their acts: and Britons would then loſe the glory, which Plato aſcribed to the citizens of Athens, of being at once the maſters and ſlaves of the laws.

The diviſion of the ſovercignty of theſe realms into three eſtates, which, acting in concert, we denominate parliament, by reciprocal checks, and reciprocal aids, gives our civil polity advantages enjoyed by no other in Europe. Yet it was an apophthegm of the great Lord Treaſurer Burleigh, that England could never be ruined but by a parliament.* And the doctrine of its omnipotence, which ſucceeded that of the divine and indefeaſible right of our kings, has contributed to the loſs of America, as well as to the

* Blackſtone.

ſeparation of Ireland; and may, hereafter, prove ſubverſive of our liberties. For with the ſpecious obſervance of every form of our Conſtitution, the eſſence of it may be annihilated; as occurred at Rome, under the deſpotiſm of Auguſtus; for the ſenate retained themſelves the image of freedom, whilſt they gave a full ſanction to his uſurpation. Indeed, corporate bodies, when they affect unlimited power, are capable of proceeding to greater lengths than any individual.

Supreme authority is perfectly diſtinct from arbitrary or abſolute power. The one is founded on certain fundamental principles, and limited by certain conſtitutional reſtrictions; whilſt the other is unconditional, and without all rational controul. A juſt government is obliged to the moſt ſcrupulous attention to the original ends of its inſtitution. Nor can even wiſe and legitimate *ends* be purſued by *means* inconſiſtent with equity, becauſe no policy can ever ſuperſede the laws of morality: and this rather dignifies, than derogates from, ſovereign dominion. For the Deity himſelf is bounded, in the exerciſe of power, not only by phyſical impoſſibilities, but by the rectitude of his divine nature.

Compulſion has been ſaid to be the eſſence of government.* But, I apprehend, *compulſion* is here miſtaken for *a power to compel*; otherwiſe, there can be no diſtinction between government and tyranny. The former is inſtituted for the public weal, and, when ſo adminiſtered as to promote its ſalutary ends,

* Soame Jenyns.

will have the confidence, the reſpect, and the *voluntary* obedience of a great majority of its members. Whereas the latter, according to a recent definition of eaſtern deſpotiſm, regards "the ſovereign as poſ-"ſeſſed of *all*, and the people of *no* rights." It exacts what a wiſe man cannot freely give, and commands what a good man ought not to perform. "The ſtate of every king," ſays the preamble to one of our acts of parliament, "conſiſts more aſſuredly in "the love of the ſubjects towards their prince, than "in the dread of laws made with rigorous pains."* But the love of the ſubject can alone be ſecured by a full conviction that the ſupreme magiſtracy is cordially intereſted in his proſperity and happineſs. And this is beſt evinced by a reluctance to impoſe unneceſſary burthens; by equity and impartiality in the aſſeſſment and collection of them; and by a readineſs to participate in the ſacrifice of private intereſt to public good. The Roman emperor, Marcus Aurelius, ſold the furniture of the imperial palace, together with his own veſtments, and thoſe of the empreſs, rather than levy a new tax on the people!†

III. In ſupport of the moral obligation to pay taxes, it is juſtly urged, that by our refuſal to grant ſuch contributions, we not only injure the commonwealth, but caſt upon others that debt, which we

* See Blackſtone's Commentaries, vol. iv. p. 17.

† Aul. Gell.

ought to diſcharge ourſelves. A venerable philoſopher has, in a very appoſite manner, illuſtrated this argument by the following analogy. "What ſhould "we think of a companion, who having ſupped with "his friends at a tavern, and partaken equally of the "joys of the evening with the reſt of us, would "nevertheleſs contrive, by ſome artifice, to ſhift his "ſhare of the reckoning upon others, to go ſcot free? "If a man, who practiſed this, would, when detected, "be deemed and called a ſcoundrel; what ought he "to be called, who can enjoy all the ineſtimable "benefits of public ſociety, and yet contrive to evade "paying his juſt ſhare of the expence, and wrongfully "throw it upon his honeſter, and perhaps poorer, "neighbours?"* But ſuppoſe the ſhare to be unjuſt, or partially demanded; is the impoſition to be ſubmitted to without complaint or remonſtrance? The plea of equity, which authorizes one to withhold a public ſubſidy, if well-founded, muſt be clearly diſcernible by the underſtanding of his neighbour, and ought alike to direct his conduct. Should he, therefore, through the want of patriotiſm, or the fear of penalty, acquieſce in oppreſſion, he deſervedly incurs both the blame and the ſuffering. Mr. Hampden withſtood the aſſeſſment of ſhip-money, in oppoſition to the unanimous opinion of the twelve judges; and, in vindication of the unalienable rights of his fellow-ſubjects, expoſed himſelf, for the trifling ſum of

* Franklin's Political and Miſcellaneous Pieces, p. 69.

twenty ſhillings, to the indignation and rigorous perſecution of the Court.

I am ſenſible that pride, reſentment, faction, and ſelf-intereſt ſet themſelves in oppoſition to the ſtate; and that men ſo actuated may falſely aſſume the motives and principles of the conſcientious and the good. Penalties, therefore, are wiſely annexed to the infringement of the laws of revenue: and authority is properly exerted, in the ordinary courſe of government, to awe the refractory into ſubmiſſion. But it muſt ſtill reſt with the people, ultimately, to decide concerning the moral force of that obligation to pay any particular tax, which is antecedent to the penalty incurred by diſobedience; becauſe ſuch deciſion can be referred to no other tribunal, without the moſt egregious ſoleciſm. And where can the caſe be ſhewn, in which the judgment and determination of the many hath not received its commencement in the judgment and determination of the few, and even of an individual? The right, therefore, muſt be admitted to ſubſiſt in both; though the exerciſe of it can only be juſtified on extraordinary occaſions. (c.) Nor can danger be apprehended to a well-governed ſociety from this doctrine. For oppreſſion muſt be manifeſt and heavy, before it will be generally reſiſted; and partial offences, unſupported by public opinion, will be readily prevented by a vigilnat police, or compenſated by pecuniary mulcts. The refuſal of Mr. Townſend, a very reſpectable magiſtrate in London, to pay his

aſſeſſment to the land-tax, is within the memory of every gentleman preſent. He grounded this refuſal on the arbitrary proceedings of the Houſe of Commons, relative to the Middleſex election; and the conſequent illegality of an impoſition, levied on a county in which the people were not duly repreſented. His conduct, on this occaſion, was influenced by no ſordid motives, and proceeded ſolely from a patriotic zeal to ſecure the rights of election. Yet a jury of Middleſex men gave a verdict againſt him, without ſcruple or heſitation: and their deciſion was reaſonable and proper, becauſe the bonds of the ſtate are not to be raſhly looſened by every temporary error or miſconduct of ſtateſmen. Candid allowances will and ought to be made for the paſſions, prejudices, and imperfections incident to our governors, provided their general conduct evinces wiſdom and rectitude. Indeed there is ſo much veneration for power, ſo great a fear of preſent ſuffering, and ſuch habitual regard to the forms of civil jurisdiction in the bulk of the people, that maxims of paſſive obedience are not neceſſary to their ſubjection; whilſt they are highly injurious to their rulers, of which the hiſtory of the Stuarts affords the fulleſt evidence; (D:) for the temptations to abuſe power are, at all times, greater than thoſe of oppoſition to it; and the abuſe is attended with more permanent evils to ſociety. An equitable and well-eſtabliſhed legiſlature can, therefore, be under no neceſſity of inflicting heavy penalties on breaches of the laws of revenue;

and punishments of a different nature are seldom, if ever, to be justified. We read with horror, that in the empire of Japan, death is inflicted on the smuggler; and our sentiments of equity and humanity are almost equally shocked with the account given by M. Neckar, that more than three hundred men of the province of Bretagne alone are annually consigned to slavery in the gallies of France, for carrying on an illicit commerce in the two articles of salt and tobacco. The truth is, this political crime makes little impression on the moral feelings of the mind, till its nature, extent, and consequences have been examined and recognized by reason. And to such investigation the generality of men have neither leisure nor ability to apply themselves. Turpitude in human actions is marked either by the gross defect of good principles, or the prevalence of bad ones. Fraud, dishonesty, perfidy, and cruelty, necessarily involve in them a consciousness of guilt; and, therefore, indicate a mind devoid of rectitude, or overborne by the predominance of malignant passions. But the retention of what is the acknowledged property of the individual, before it is claimed by the state, though at all times culpable, and deserving of punishment in ordinary cases, when the nature of the obligation is not sufficiently understood, implies no high degree of criminality.* And he who avails himself, without the scruples which he ought to feel, of the carelessness

* On this subject consult Montesquieu, Beccaria, Blackstone, Lord Kaims, Dr. Adam Smith, &c.

or miſtake of a tax-gatherer, to evade the proportional payment exacted from his neighbours, would bluſh to take advantage of the tradeſman who, by ſimilar careleſſneſs or miſtake, hath omitted in his bill ſome part of the debt which is owing to him. But, when invaſion threatens a country, or public calamity calls forth the exertions of every member of the ſtate, the ſentiments of the mind being reverſed, breach of allegiance, under ſuch circumſtances, would be deemed almoſt equal to the crime of parricide. We may illuſtrate this obſervation by a caſe in military ſervice, with reſpect to our feelings, ſomewhat parallel. No one, but the officer on guard, would puniſh the *ſleeping centinel* with ſeverity, during the ſeaſon of peace. But, on ſome critical and very important conjuncture in time of war, the ſame offence would merit death, in the eſtimation of the moſt humane ſpectator. To eſtabliſh a ſcale of crimes, with exact preciſion, ſo as to aſſign to each its due degree of puniſhment, is beyond the extent of human ability; and can be accompliſhed only by the omniſcient Searcher of hearts. But the penal laws of government ſhould be founded on a like diſcrimination, ſo far as it is practicable, clear, and obvious; and, in all doubtful caſes, ſhould incline more to mildneſs than ſeverity. For it is juſtly obſerved, in the preamble of the ſtatute before referred to, "that laws made for the preſervation of "the commonwealth without great penalties are "more often obeyed and kept, than laws made with "extreme puniſhments."

I have thus endeavoured, with great brevity, to trace the origin, to explain the principles, and to determine the extent of a duty, which, though eſſential to the being of ſociety, and of equal importance to the governors and governed in every community, has not hitherto, I believe, received a ſpecific denomination in any language. Nothing tends more to the eſtabliſhment of juſt authority, than the free and temperate inveſtigation of the reaſons on which it is founded. And, from what has been advanced, I preſume, it may be inferred, that a *tax* can be of no *moral obligation*, when the claim to allegiance is abſolutely forfeited; that it is of *imperfect* obligation from mere general allegiance; and that to give it *full* and *complete* validity, it ſhould be A LEVY MADE ON THE COMMUNITY BY LAWFUL AUTHORITY; ACCORDING TO PRESCRIBED FORMS; IN AN EQUITABLE MODE AND PROPORTION; AND FOR THE PUBLIC WEAL.

In Britain, the LAWFUL AUTHORITY, competent to impoſe a ſubſidy, can only be that of the King, Lords, and Commons, in Parliament aſſembled. The King is repreſentative of the majeſty of the people; from them he derives his dignity; to their deputies, his miniſters and counſellors are amenable; and his prerogatives* conſiſt only in a diſcretionary power of doing good. And if the regal office be a delegation, the peerage, which flows from it, muſt participate of its nature. The three eſtates, therefore, though in

* Locke; Blackſtone.

different modes of truſt, ſeverally and collectively, act in behalf of, and are virtually reſponſible to, the community, who poſſeſs, and frequently exerciſe, towards each of them, the right of petition and remonſtrance. But much circumſpection is required in applying practically the ideas of REPRESENTATION to the regal and ariſtocratical branches of our Conſtitution. Theſe indeed are delegates, but in a qualified ſenſe, and ſhould be reſorted to only, in this view, on preſſing emergencies. For the Commons are the deputed guardians of the people's rights; commiſſioned by them to act according to, and to expreſs, their united ſuffrage; and renewing their truſt and accountableneſs on every ſucceſſive election. It is derogatory, therefore, of their importance and dignity, and muſt tend to diminiſh their due weight in the ſcale of government, to transfer the peculiar functions with which they are inveſted to the Peers, or to the Throne. (E.)

Of the FORMS preſcribed in paſſing a money bill, the moſt eſſential to its moral validity, becauſe moſt intereſting to the liberty of the ſubject, is, that it ſhould originate ſolely in the Houſe of Commons. For the Lords, being a permanent hereditary body, created at pleaſure by the King, are ſuppoſed to be more liable to be influenced by the crown; and when once influenced, to continue ſo; than the Commons, who are freely elected, and only for a limited time, by the people.* This privilege forms the great con-

* Blackſtone.

ſtitutional check on the executive branch of administration, and every good citizen ſhould watch over it with unremitting and jealous attention; extending his diligent and patriotic obſervation even to turnpikes, pariſh-rates, and impoſts collected, not for the exigencies of government alone, but for private and local benefit.

To APPORTION the taxes, with all poſſible IMPARTIALITY, is eſſential to their having the full force of moral obligation. Yet this is the moſt arduous office of the financier; and, when a kingdom is under the preſſure of accumulated debts, can perhaps be accompliſhed only by ſuch a modification of the whole ſyſtem of revenue, as ſhall compenſate the unavoidable exceſſes in ſome caſes by equitable exemptions in others. Impoſts on articles of proviſion have often been ſo improvidently laid, as to occaſion great diſtreſs amongſt the poor: and, as they are the chief conſumers, becauſe the moſt numerous order of the ſtate, the diſproportion attending ſuch exactions is an injuſtice equal to the cruelty of the exactions themſelves. "Previous to all the laws of ſociety, man had a right "to ſubſiſt: and is he to loſe that right by the "eſtabliſhment of laws? To ſell the produce of the "earth to the people at an exorbitant price is, in re-"ality, to deprive them of it. To wreſt from them "by a tax, the natural means of preſerving life, is to "affect the very principle of their exiſtence."* But I would not be underſtood to object to the impoſition of

* Abbé Raynal.

moderate duties on the neceſſaries of life. When judiciouſly planned, and gradually laid on articles which are cheap and plentiful, they promote induſtry, ingenuity, and ſobriety; and are paid cheerfully, becauſe imperceptibly, as they are confounded with the value of the commodity itſelf. (F.) During the impoſts of the Sforzas on the harveſts and markets of the Piedmonteſe, the ſkill and enterpriſing ſpirit of that people were rouſed to the higheſt exertion; and their fabrics of ſilk and cotton were then worked with ſuch elegance and expedition, by the invention of machinery, as precluded all competition. The gentlemen engaged in the manufactures of Mancheſter will find theſe obſervations perfectly conſonant to their own experience; yet they are of dangerous tendency, and admiſſible only within certain reſtrictions. For both art and activity are not only bounded in their extent, but are precarious in their duration, and dependent on a variety of unforeſeen contingencies. And, though the moderate preſſure of wants, which may be gratified without much difficulty, ſtimulates to exertion; yet neceſſity creates deſpair, the parent of idleneſs, profligacy, and miſery. Under ſuch circumſtances, the productive labourres of the ſtate will be conſiderably diminiſhed in number, and will be compelled to raiſe the price of induſtry to a height ſubverſive both of trade and commerce. It muſt be remembered, alſo, that theſe working members are incident to the ſeverity of ſeaſons, as well as to the fluctuation and inſtability of thoſe manual arts which depend on

faſhion, local conveniencies, or foreign materials; and that they are often plunged into ſufferings which call for public aid, and ought to ſuperſede exaction. Beſides, there is at all times, and in every place, a numerous claſs of poor, who, from a want of ſkill, of health, and of that energy which originates from the united powers of nature and education, are barely qualified to earn from day to day a ſcanty ſubſiſtence. Yet theſe are, equally with ourſelves, the commoners of the earth, and have a juſt claim to ſome portion of the good things of life. May we not alſo add, that there muſt be *hewers of wood* and *drawers of water;* and, that to execute the meaneſt and moſt ſubordinate offices is eſſential to complete the aggregate of human induſtry and happineſs. A wiſe polity, therefore, will not, by a rigid ſyſtem of finance, promote the extinction of ſuch men; but will treat them with proper indulgence, will encourage their marriages, and, by well-planned inſtitutions, render their poſterity virtuous, active, and uſeful citizens. The penury and depopulation of Spain have been proved, by Uſtariz, to ariſe, not from emigrations to America and the Weſt-Indies, but from the oppreſſive laws of revenue which prevail in that country. When Lord Moleſworth reſided in Denmark, the collectors of the poll-tax were obliged to accept of old feather-beds and other neceſſaries, inſtead of money, from the inhabitants of a town, which once raiſed 200,000 rix-dollars for Chriſtian IV. on twenty-four hours' notice. In Holland, manufactures have long been in

a declining ſtate. It has been calculated, that one third of every man's income is paid in ſubſidies. Bread, I am informed, is taxed at from twelve to fifteen *per cent.* and in towns much higher; malt liquor at fifteen *per cent.* and butchers' meat at twenty *per cent.* Nothing could counteract ſuch heavy duties on the lower orders of the people, but the extreme frugality and perſevering induſtry, which characterize the inhabitants of the United Provinces.

The EQUITY of an impoſt; and, conſequently, its moral validity, is very materially affected by the MODE of ASSESSMENT. For the time expended, the vexation occaſioned, and the indignity ſuſtained by it, may be equivalent to a manifold, and therefore, diſproportional payment. Hearth-money, which was granted to Charles II. his heirs and ſucceſſors for ever, was abrogated in the year 1688, by an act of William and Mary; of which the following is the preamble, "That it is not only a great oppreſſion "upon the poorer ſort, but a badge of ſlavery upon "the whole people; expoſing every man's houſe to "be entered into, and ſearched at pleaſure, by per-"ſons unknown to him."* The exciſe, from its firſt inſtitution to the preſent time, has been odious to the people of England. It extends to a very numerous detail of commodities, the liſt of which, ſays Sir William Blackſtone, no friend to his country would wiſh to ſee farther increaſed. Yet it has been greatly increaſed ſince the time of this excellent

* Lord Kaims's Sketches, vol. ii. p. 354.

judge, and, I believe, with additional vexations and ſeverities. The officers concerned in this branch of revenue are authorized to enter and to ſearch the houſes of perſons, who deal in exciſeable articles, at all hours of the day, and, in many caſes, of the night alſo. And the proceedings, under ſuſpicion of tranſgreſſion, are ſo ſummary and ſudden, that, in a very ſhort ſpace of time, a man may be convicted in the penalty of many thouſand pounds by two commiſſioners, or juſtices of the peace, or even by the ſame number of magiſtrates in the ſmalleſt corporate town, to the total excluſion of the trial by jury, and without regard to the common law of the land.*

This mode of aſſeſſment might, perhaps, be rendered more conſonant to the principles of Britiſh liberty, and to the ordinary proceedings of legal adminiſtration. There ſeems to be no ſufficient reaſon for the excluſion of a jury, nor for deciding in a way ſo unuſually ſudden and ſummary. Appeals alſo ſhould be admiſſible in all caſes to the quarter-ſeſſions, or to ſome public and reſpectable tribunal: and the perſons proſecuted ſhould be allowed counſel for their defence, together with full coſts of ſuit, and even damages, if judgment be awarded in their favour. Nor does it ſeem equitable, provided no perjury has been practiſed, nor malignant intention manifeſted, that, when the plaintiff is nonſuited, the officer of revenue ſhould recover treble coſts. Theſe alterations in the ſtatutes of exciſe would not occaſion any

* See Blackſtone; Burn's Juſtice of the Peace; &c.

delay of conſequence to the revenue; and they might obviate abuſes, which, by creating murmurs and diſcontent, diminiſh the veneration due to the laws. (G.)

In the Highlands of Scotland, it is ſaid by Lord Kaims, that the exciſe upon ale and ſpirits defrays not the ſalaries of the officers who levy it. The people, therefore, are burthened with a contribution, which adds to the expence of government, and withdraws from uſeful labour many induſtrious hands. This laſt conſideration ſeldom enters into the eſtimate of the financier: yet the magnitude of it will be apparent from the late obſervations of M. Neckar, who computes that the tax-gatherers in France amount to two hundred and fifty thouſand perſons; thirty-five thouſand of whom devote their whole time to the buſineſs. The enforcement of impoſts by oaths may be ſuppoſed rather to increaſe, than to diminiſh, their moral validity: yet it is a practice that, on trivial occaſions, ſeems to participate of impiety; and, on all occaſions, is conducted with ſo much careleſsneſs and irreverence, as tends to the moſt pernicious conſequences. A million of perjuries are ſuppoſed, by a very able calculator, to be annually committed in this kingdom.* (H.)

In the definition of a tax, which has the full force of a moral obligation, it has been laid down as its ultimate and moſt important conſtituent, that it is a levy made for the PUBLIC GOOD: and it is the ſpecial duty of the ſupreme power to keep this ſacred

* Price on the American Revolution, p. 82.

end in view, in the exaction of every ſubſidy. The confidence and veneration of the people would thus be ſecured; and a reſpectful ſubmiſſion would be paid even to the errors of government, as unavoidable conſequences of human frailty; and as only temporary grievances, which better information would redreſs. In the application, alſo, of the national funds, the like rigid attention to wiſdom and rectitude ſhould be uniformly maintained. How often has it been urged to me, ſays M. Neckar, can you refuſe to aſk the king for a thouſand crowns, to relieve ſuch a perſon whoſe misfortunes are known to you? Will the royal exchequer be the poorer for it? Forget, I have replied, this royal exchequer, which you conſider only as an accumulated maſs of money, without having examined its ſource: a thouſand crowns are the amount of the land-tax of two villages; and I leave you to judge whether the perſon for whom you ſolicit has a juſt claim to the labour and contributions of their inhabitants. It is a violation (obſerves the ſame honeſt financier, in another part of his work, with which I ſhall now conclude) —It is a violation of the moſt ſacred of all depoſits, to employ the ſacrifices of a whole nation in inconſiderate prodigalities, uſeleſs expences, and undertakings foreign to the good of the ſtate.

AN

APPENDIX

TO

THE INQUIRY

CONCERNING THE

PRINCIPLES OF TAXATION;

CONSISTING OF

SUPPLEMENTARY NOTES AND ILLUSTRATIONS.

ADVERTISEMENT

IN the following Notes the Author has not deemed it neceſſary to confine himſelf ſtrictly to the ſubject of Taxation; but has touched upon various other topics, relative to political œconomy, and to the foundation of civil government. As theſe are intimately connected with and illuſtrate each other, he truſts the reader will excuſe the latitude he has taken in this Appendix.

April 1, 1789.

AN

APPENDIX

TO THE INQUIRY CONCERNING THE

PRINCIPLES OF TAXATION,

CONTAINING

SUPPLEMENTARY NOTES AND ILLUSTRATIONS.

NOTE (A) PAGE 235.

PROPERTY NOT THE MERE CREATURE OF CIVIL SOCIETY.

A rned Friend, of diſtinguiſhed rank both in the Church, and in the republic of letters, to whom I communicated the Inquiry concerning the Principles of Taxation, "regards property "as very much the creature of civil ſociety, and the ſupreme ma- "giſtrate as authorized to apply the whole of the property of every "individual to the uſe of the whole community."*

Notwithſtanding the deference and reſpect I feel for the deciſion of one, whom I know to be a very able judge of the ſubject of legiſlation; yet I am ſtrongly inclined to controvert the doctrine advanced, which, by *leaving no thing that a man may call his own*, (to adopt the expreſſion of Lord Clarendon,) ſeems to ſubvert the intereſt we have in ſociety itſelf.

I. A deſire of poſſeſſion, and tenacioufneſs of what is attained, are manifeſted in the earlieſt ſtages of life. They are modifications of one and the ſame principle, which grows with our growth, is independent of ſociety, and ſubſiſts in as full force among ſavages as

* A ſimilar opinion is advanced by Puffendorf.

in the moſt cultivated nations. The like principle is common even to the brutes. The beaſt of prey aſſerts an exclusive right to his den, and to the proviſions he has ſtored for himſelf, or for his offſpring. The cock drives every invader from his dunghill; and the rooks puniſh with ſeverity the marauders that come to pilfer their neſts. But to enter into a diſcuſſion of the origin of property would exceed the limits of a note. Suffice it to obſerve, that we can clearly deduce it from the neceſſities, the deſires, the affections, and other active energies of man. Of theſe energies, civil ſociety is the *conſequence*, and not the *cauſe;* and its office is to regulate them, to augment their vigour, and to afford more complete ſecurity in whatever is acquired by them. If, therefore, the powers of his nature be man's excluſive right, every thing reſulting from them muſt be equally appropriate: and the juſt claim of government extends only to an equivalent to the benefits enjoyed under it.

II. Juſtice, fidelity, and veracity, imply in their exerciſe the ſocial ſtate: but their obligation is independent of and pre-ſuppoſed by the political union; and conſtitutes its only rational and legitimate bond. Is property, more than thoſe moral virtues, the creature of civil ſociety? All of them may ſubſiſt without government: for if only two men dwelt together on a defert iſland in a ſtate of perfect equality, each would have his appropriate rights of poſſeſſion; and the claim to juſtice, fidelity, and veracity, would be reciprocal.

III. The ſocial union is a combination of numbers, for mutual aſſiſtance, comfort, improvement, and protection. If every individual concur in the public acts of ſuch a community, at the firſt view, there might ſeem to be no violation of private rights. It ſhould be remembered, however, that the circumſtances and opinions of thoſe individuals may vary in the lapſe of time; and that the rights of poſterity, alſo, are involved in their deciſions. The preſent inhabitants of Denmark are now enſlaved by the raſh ſurrender of their liberties, which was made in 1660. Beſides, the public acts of a community, if large, muſt neceſſarily be acts only of the majority: and a majority may, indeed frequently does, as the hiſtory of all nations evinces, commit violence on the rights of the minority.

Fanaticiſm, like that which ſubſiſted amongſt the Anabaptiſts of Munſter, about two centuries ago, may induce the civil magiſtrate to order every man to bring forth his gold, ſilver, and precious effects, to be depoſited in a public treaſury, and to be diſpenſed,

for common uſe. But this would be an act of power, not of juſtice or legitimate authority.

IV. Grants of money, in almoſt every country, are made on expreſs conditions, and as voluntary ſacrifices of private rights to public good.

*Whenever the public good requires the involuntary ſacrifice of the good of an individual, great attention is paid, in all juſt and moderate governments, to do as little violence as poſſible, and to make full recompence for the injury ſuſtained. This ſeems to be an unequivocal acknowledgment of the exiſtence of private property, in the ſtricteſt ſenſe of the word.

V. As every man has a natural right to life, he muſt have the ſame natural right to the means of ſupporting life. On this principle, the Athenians ſeem to have conſidered that ſhare of a man's property, which is neceſſary to his ſubſiſtence, as abſolutely exempt from taxation. Thus a rent of five hundred meaſures of corn was aſſeſſed in the yearly contribution of a talent; a rent of three hundred paid half a talent; a rent of two hundred paid one-ſixth of a talent; and a land of a lower produce paid no ſubſidies at all. In the early days of Rome, ſeven acres were the utmoſt extent of landed property, which a Roman citizen was allowed to hold. This portion was, probably, not more than adequate to the ſupply of a family.

VI. There is a ſpecies of acknowledged property appertaining to ſtates, over which they exerciſe an excluſive power of diſpoſal, which bears a cloſe analogy to private poſſeſſions. It conſiſts in crown-lands, public buildings, highways, fortifications, &c. Can public levies to a conſiderable extent be, like this, regarded as the abſolute right of the civil magiſtrate?

VII. But it may be urged, that the greateſt part of property, whether perſonal or real, is enjoyed by *inheritance* under the authority of *laws;* and that the laws, being the creatures of civil ſociety, render property itſelf equally ſo. The argument, however, is a fallacy. Law does not conſtitute the right to property; but only recognizes, ſanctions, and regulates the exerciſe of it. What a man has acquired by art or induſtry, without violation done to others, is at his abſolute diſpoſal; and may, if not applied to his own uſe, be given to his children, his relations, or friends. Nor

* *Dominium eminens:* tranſcendental property.

can there be any definite time for the reſtriction of ſuch transfer; and conſequently it will have equal validity at the hour of death as in the prime of life, provided the donation be voluntary, and made with a ſound mind. It has indeed been ſaid, that in a ſtate of nature, a man's right to a particular ſpot of ground ariſes from his uſing and wanting it, and conſequently ceaſes with the uſe and want; ſo that at his death the eſtate reverts to the community, without any regard to the laſt owner's will.* But this preſuppoſes what is in itſelf a contradiction, that man in *community* is a *ſolitary* animal, labouring and living only for himſelf: whereas the truth is that he labours and lives more for his family and his dependents, than for himſelf; that his attachments to them ſtimulate his faculties, and give energy to his exertions; and that to deprive him of the future end he ſeeks in his acquiſitions, is the ſame wrong in kind, and much greater in degree, becauſe more injurious to his beſt and ſtrongeſt feelings, than it would be to deprive him of the preſent uſe of them. A father may leave an infirm widow, and numerous helpleſs orphans, for whom he anxiouſly toiled, and toiled with ſucceſs. Is it equitable that they ſhould be caſt on the public for ſupport? If it be not, the law, which guarantees to them their father's poſſeſſions, only confirms, and does not inſtitute, their right, which is founded in nature, reaſon, and juſtice.

VIII. The diſpute, perhaps, about the right of the ſupreme magiſtrate to the entire property of the whole community, is rather verbal than ſubſtantial. For, admitting it to ſubſiſt, it can only be exerciſed, when rights of the whole community, ſtill dearer than thoſe of property, are in the moſt imminent hazard, ſuch as life, liberty, and religion. There muſt then be a juſtifying plea for ſuch exerciſe of power: and the ultimate deciſion, concerning this juſtifying plea, muſt reſt with the people.

* Paley's Moral Philoſophy, vol. i. p. 222, 8vo.

NOTE (B) PAGE 240.

INFLUENCE OF THE CROWN.

THE reſolution, that "the influence of the crown hath increaſed, "is increaſing, and ought to be diminiſhed," was moved by Mr. Dunning; who explained his meaning to be, not the influence of the virtues of the ſovereign, or the juſt rights of his prerogative, but that which aroſe from corruption, and other undue practices.

Sir Fletcher Norton, the Speaker of the Houſe, obſerved, "that "it would be criminal in him to remain ſilent on this occaſion. He "declared, in the moſt direct terms, that the influence of the crown "had been increaſing of late to an alarming degree. No man had "a higher veneration for monarchy than he had: he meant that ſpe- "cies of it eſtabliſhed in this country; a monarchy limited by law. "Such a government required no aſſiſtance, but what was derived "from the conſtitution and the laws. The powers, veſted in the "executive part of government, were ample and ſufficient for all "the purpoſes of good government; and, without any further aid, "much too ample for the purpoſes of bad government. And he "thought himſelf bound, as an honeſt man, to ſay, that the influ- "ence of the crown had increaſed much beyond the ideas of a "monarchy ſtrictly limited in its nature and extent."—See New "Annual Regiſter, 1780, p. 148.

Sir William Blackſtone, ſpeaking of the ancient prerogatives of the crown, and of the bounds ſet to them, at the revolution, ſays, "though theſe proviſions have, in appearance and nominally, re- "duced the ſtrength of the executive power to a much lower ebb "than in the preceding period; if, on the other hand, we throw "into the oppoſite ſcale (what perhaps the immoderate reduction "of the ancient prerogative may have rendered, in ſome degree, "neceſſary) the vaſt acquiſition of force, ariſing from the riot act, "and the annual expence of a ſtanding army; and the vaſt ac- "quiſition of perſonal attachment, ariſing from the magnitude of "the national debt, (now, 1788, augmented one hundred millions) "and the manner of levying thoſe yearly millions that are appro- "priated to pay the intereſt; we ſhall find that the crown has,

" gradually and imperceptibly, gained almoſt as much in influence, " as it has apparently loſt in prerogative."—Commentaries, b. " iv. ch. 33.

Mr. Hume obſerves, that, " on a moderate computation, there " are near three millions a year at the diſpoſal of the crown. The " civil liſt amounts to near a million; the collection of the taxes " to another; and the employments in the army and navy, toge- " ther with eccleſiaſtical preferments, to above a third million: an " enormous ſum, and what may fairly be computed to be more than " a thirtieth part of the whole income, and labour of the kingdom." —Eſſay vii. vol. i. p. 49, 8vo. edit. But Mr. Hume's remarks were firſt publiſhed in 1742; ſince which period, the national debt has been more than doubled. The army has been increaſed, and eccle- ſiaſtical preferments have been conſiderably augmented in value. An immenſe patronage has alſo been eſtabliſhed in the Eaſt-Indies. That of America has indeed been loſt; but, in a comparative view, it was of ſmall eſtimation.

The influence of the crown may be conſidered in two points of view: firſt, as it reſpects the exercise of the royal prerogative; ſecondly, as it affects the freedom and independence of parliament. In the firſt, we muſt regard the exerciſe of every branch of the royal prerogative, as no other than *a diſcretionary power to do good;* and conſequently that every appointment to civil or military offices, except of perſons known or believed to be beſt qualified for their execution; every diſtinction of rank conferred on thoſe who are not of adequate deſert; and every reward given, but for real ſer- vices to the ſtate; is a violation of a truſt repoſed in the ſupreme magiſtrate. In the ſecond point of view, we are to conſider each individual, compoſing the two branches of the legiſlature, as under a ſacred obligation to weigh attentively all queſtions that relate to the public intereſt, and to vote upon them agreeably to his ho- neſt and ſerious conviction. If he deviate from this rule, he betrays his truſt, and forfeits the character of patriotiſm, probity, and ho- nour: and if the CROWN have ſeduced him, by office, titles, or pecuniary reward, the double guilt is incurred, of violating its own duty, and of inciting another to a correſpondent violation.

What then is juſt and honourable influence? In the ſovereign, it is to ſtimulate to exertion, and to excite ſteadineſs in duty, by well-grounded reſpect, gratitude, and attachment. In the ſubject,

it is to feel theſe principles in all their force, but with a proper attention to their true object; to diſcriminate between the perſonal and official capacity of the ſupreme magiſtrate; and whenever a competition ſubſiſts between their reſpective intereſts, to regard himſelf as the beneficiary of the public, and as thus bound, by an additional obligation, to fulfil the duties of his ſtation, either as a military commander, a magiſtrate, or a legiſlator. This diſtinction the Emperor Trajan nobly maintained, on the appointment of Suberanus, to be captain of the Prætonian guard. Preſenting him with a ſword as the badge of his fealty, he ſaid, "Let this be drawn "in my defence, if I rule according to equity; but if otherwiſe, it "may be employed againſt me."* With the ſame magnanimity he would have addreſſed a præfect of the treaſury, or of the city. "I "have inveſted you with a poſt of high dignity, authority, and "emolument; becauſe I have confidence in your talents and your "virtues. Manifeſt your ſenſe of the favour, by your zeal in my "ſervice; always remembering, however, that my ſervice implies "only that of the commonwealth." Prince Kaunitz, the miniſter of the Imperial Court of Vienna, is applauded by M. Neckar, for his impartiality, integrity, and dignity of character, in the choice of perſons to fill up the great offices of ſtate. He relates, that having perſuaded the Empreſs Maria Thereſa, to beſtow the conduct of the war department on a general of great ability, but whom he had juſt reaſon, as an individual, to diſlike; the commander, affected by ſo generous an action, earneſtly wiſhed for a reconciliation. Prince Kaunitz, however, declined all his advances; obſerving that he had only done his duty, in cauſing his ſovereign to pay due regard to merit; but that in the direction of his private intimacies or connections, he was ſubject to no controul, and might, in perfect conſiſtence with duty, indulge an entire freedom of choice. This fact well illuſtrates the true application and extent of influence.

* Plinii Epiſtolæ.

NOTE (C) PAGE 245.

DOCTRINE OF PASSIVE OBEDIENCE.

MR. Hume has very facetiouſly imputed *Toryiſm* to Socrates; becauſe, by declining to make his eſcape out of priſon, he ſanctions the doctrine of paſſive obedience and non-reſiſtance. But the truth is, this venerable philoſopher diſdained to ſave the ſhort remnant of his days by an ignominious flight; by practiſing the arts of corruption; or by involving the miniſters of juſtice in the guilt of betraying their truſt. He does not appear to have treated the tumultuous aſſembly, which ſat in judgment upon him, with *paſſive* deference. "Be not offended, Athenians," he ſaid; "it is im-"poſſible, that any one ſhould long preſerve his life, who arraigns, "with intrepidity, your licentiouſneſs and injuſtice!"

In the admirable arguments for ſubmiſſion to the laws, which Plato has put into the mouth of his maſter, in the dialogue entitled CRITO, the obligation of the *ſocial compact* appears to be expreſsly and forcibly pleaded. Very able writers have contended for and againſt this alleged foundation and bond of civil ſociety. It has been condemned, as built on the chimerical ſuppoſition, that "ſavages have been called out of caves and deſerts, to deliberate "and vote upon topicks, which the experience, the ſtudies, and "the refinements of civil life alone ſuggeſt."* But the ſuppoſition involves in it no ſuch abſurdity. Savages could never aſſemble together or live in community, without ſome common principles of harmony and agreement. And each individual feeling their influence, and yielding to their authority, a ſocial compact was thus eſtabliſhed, without deliberation or formal deſign, by laws which reſult from the original conſtitution of human nature. The veneration of age; reſpect for ſuperior talents or virtues; a ſenſe of juſtice, of veracity, and honour; a regard to common intereſt; the defence againſt, or invaſion of, common enemies; ſubſtantiated theſe laws. They were voluntarily acquieſced in by all; they became confirmed

* See Paley's Principles of Moral and Political Philoſophy, book vi. chap. iii. p. 516, 4to.

by time, improved by experience, and enlarged by the progreſſive advancements of ſociety.

It is ſaid, that "if by virtue of a compact, the ſubject owes obe-"dience to government, he ought to abide by the form of govern-"ment which he finds eſtabliſhed, be it ever ſo abſurd or incon-"venient. He is bound by his bargain."* This objection will appear to have no validity, when it is recollected, that it is not an ordinary bargain or contract, in which two parties are ſuppoſed, of oppoſite intereſts; but an union of partnerſhip, in which all are equally concerned, though with various truſts and deſignations. To the firſt and neceſſary laws of this union, which conſtitute the eſſence of government, ſubmiſſion is abſolutely due. Governors, who are the organs of adminiſtration, are equally ſubject to them with the governed. And as theſe governors repreſent the majeſty and authority of the whole, it is evident that the whole, or a majority of the whole, (which can alone act,) are ſuperior to their repreſentatives; and may enlarge, circumſcribe, or new-model the authority which they delegate, as they ſhall deem moſt expedient. The public good, however, requires that government ſhould poſſeſs ſtability, becauſe revolutions are uſually attended with much preſent ſuffering and evil. Civil magiſtrates, therefore, are inveſted with powers and prerogatives adequate to extraordinary emergencies: and the policy of this is ſo clear and rational, as to command general acquieſcence, or implied conſent.

It is further alleged, that, "if every man has a right to ſurrender "his independence on bargain, (whether expreſs or implied,) he "muſt have an equal right to retain it."† This is a fallacy: for as man is by nature a ſocial being, ſociety is eſſential to his improvement and happineſs. But ſociety cannot ſubſiſt without civil polity; that is, without ſuch laws and regulations, as are neceſſary to guard againſt imperfection and depravity; and man being alſo rational as well as ſocial, he is bound not to withhold his conſent from what is conducive to his intereſt and felicity.

Government is aſſerted to have been "at firſt§ either patriarchal "or military; that of a parent over his family, or of a commander

* Idem, p. 421.

† Diſquiſition on Government and Civil Liberty, by Soame Jenyns, eſq. A very excellent anſwer to this Diſquiſition, appeared in 1782; printed for Debrett, in Piccadilly. § Paley's Moral Philoſophy, p. 399.

"over his army." When the offspring of the patriarchs had attained the age of diſcretion, and the capacity of judging and acting for themſelves, it is evident that their ſubmiſſion to paternal authority muſt have been voluntary; and it could only be voluntary, on terms of reciprocal benefit and comfort. Such terms, though not expreſſed, muſt be underſtood; and conſent, on implied terms, is in its nature a tacit compact. When two or more patriarchal families united together, the compact was probably expreſs, and not implied.

If government was at firſt military, this pre-ſuppoſes compact: for no individual could have ſufficient force to compel numbers to ſubmit to his authority, and combine for its extenſion. Their union with him, and ſubjection to him, muſt have been by choice and agreement. A civil polity was, therefore, conſtituted antecedent to conqueſt; and I preſume, conqueſt will not be deemed a legitimate foundation of any government.

Every juſt government ſeems to include, in its conſtitution, the three following acts of the community:—1. A compact to unite together, to be governed in their common intereſts by common laws. 2. An agreement reſpecting the perſons to be intruſted with the framing and the adminiſtration of the laws. 3. A reciprocal agreement between the governors, thus conſtituted, and the governed.* At the glorious revolution in 1688, theſe ſeveral acts may juſtly be ſaid to have taken place. For the Prince of Orange, in his declaration, invites and requires all the peers of the realm; all gentlemen, citizens, and other commons, of all ranks, to come and aſſiſt him in the execution of his deſign, to re-eſtabliſh the conſtitution of the Engliſh government. The convention, which aſſembled on this ever-memorable occaſion, depoſed the ſupreme magiſtrate, *expreſsly* becauſe he had broken the *original contract;* and appointed another, on certain ſtipulated terms, declarative of the reciprocal duties of king and people: and reducing the contract, as Sir William Blackſtone obſerves, before built on theory and natural law, to a plain certainty. The ſame learned judge remarks, that the original contract is now comprehended in the coronation oath, and in that of allegiance.†

* Conſult Hutcheſon's Syſtem of Moral Philoſophy, vol. ii. p. 227.

† See Blackſtone's Commentaries, book i. p. 233.

N. B. Theſe notes and illuſtrations were written before the revolution in France, an event that confirms many of the principles that have been advanced.

When Maria Thereſa aſcended the throne of Hungary, in 1740, ſhe took the aneient oath as follows:—"If I, or any of my ſuc-"ceſſors, ſhall at any time infringe upon your privileges; *by virtue* "*of this promiſe*, you and your deſcendants ſhall be allowed to "defend yourſelves, and ſhall not be treated as rebels." It ſhould ſeem that the two laſt Kings of Pruſſia regarded the privileges of their ſubjects as conferred, not confirmed, by virtue of the coronation oath; and therefore they declined the ceremony of a coronation; probably becauſe, according to uſage, it would have obliged them to an explicit declaration of the duties owing to their ſubjects. Baron Bielfield, in one of his letters, thus expreſſes himſelf:—"Frederick I. of Pruſſia, had good reaſons for *ſubmitting* to that "ceremony; but his ſucceſſors receive the crown from the hands of "Providence, and not from their ſubjects. They content them-"ſelves with adminiſtering the oath of fidelity to the troops, to the "nobility and to the people."*

Mr. Hume argues againſt the original contract with much acuteneſs: yet he candidly acknowledges, that the conſent of the people, where it has place, is the *beſt and moſt ſacred foundation of government*. But the converſe to the beſt and moſt ſacred can never be, in any degree, good or ſacred. If full conſent render government moſt legitimate, the entire want of it, or abſolute force, muſt conſtitute the moſt unjuſt tyranny. A ſcale may thus be formed between theſe extremes, by which the degree of legitimacy in every civil eſtabliſhment may be eſtimated.

In the Eſſay on Taxation, I have adopted the expreſſion SOCIAL UNION, as more comprehenſive than any other, becauſe it involves in it all the *rights* and *duties*, that reciprocally belong to the individuals of which it is compoſed. The obligation to it is antecedent to compact, conſent, or expediency. It is the ordinance of GOD, manifeſted in the conſtitution of our nature. For no man has the moral, though he may have the phyſical power, to withdraw himſelf entirely from the intercourſe of his fellow-creatures; as it would be, in a great degree, the extinction of being, ſo far as relates to virtue and intellectual improvement, which are the chief objects of

The Count Boulainvilliers, who ridicules the notion of an ORIGINAL CONTRACT, although himſelf a republican, had he lived at this period, would have ſeen the doctrine eſtabliſhed in his own country, as well as in that of America.

* See Tower's Life of the King of Pruſſia, vol. i. p. 82, 115.

it. Civil polity is a conſequence of the ſocial union, the mode of which is regulated by temporary expediency, and confirmed by compact or conſent. But no original compact or conſent can give permanent validity to what is inconſiſtent with the fundamental principles of the SOCIAL UNION. *Salus populi ſuprema lex.*

NOTE (D) PAGE 246.

THE DOCTRINE OF NON-RESISTANCE MERELY SPECULATIVE.

IN the year 1760, James I. thus expreſſes himſelf, in his ſpeech to both houſes of Parliament:—"As it is atheiſm and blaſphemy, "in a creature, to diſpute what the Deity may do; ſo it is pre- "ſumption and ſedition, in a ſubject, to diſpute what a king may "do, in the height of his power. Good Chriſtians," he adds, "will be content with GOD's will, revealed in his word; and good "ſubjects will reſt in the king's will, revealed in his law."* The king's ſpeech is now always ſuppoſed, by Parliament, to be the ſpeech of the miniſter. How cruel would it have been on King James's miniſters, ſays Mr. Horace Walpole, if that interpretation had prevailed in his reign!

Thoſe who adopt the doctrines of indefeaſible right, and abſolute dominion, deceive both their ſovereign and themſelves; and ſanction tyranny by ſpeculative principles, which it is not in human nature to carry into practice. *The judgment and decree of the Univerſity of Oxford, paſſed in the convocation, July* 21, 1683, *againſt certain pernicious books, and damnable doctrines, deſtructive to the ſacred perſons of princes, their ſtate and government, &c.* was fully contravened, in its moſt eſſential point, by the conduct of her own members at the revolution. The decree was drawn up by Dr. Jane of Chriſt-Church, who was afterwards one of the four delegates from the Univerſity to offer their plate to the Prince of

* See King James's Works. Rapin's Hiſtory, vol. ii. p. 178.

Orange, when on his march to London: and in 1710, it was burnt by the common executioner, in obedience to the order of the Houſe of Peers.*

When the great Lord Ruſſel was condemned, on account of the Rye-houſe plot, in 1683; Dr. Tillotſon and Dr. Burnet were both anxiouſly aſſiduous in their endeavours to perſuade his Lordſhip, that "the Chriſtian religion abſolutely forbids the reſiſtance of au- "thority; and that it is not lawful, on any pretence whatſoever, to "take up arms againſt government." The impreſſion they made on the mind of their noble friend may be collected from the following paſſage in his ſpeech. "For my part, I cannot deny, but I "have been of opinion, that a free nation like this might defend "their religion and liberties, when invaded and taken from them, "though under pretence and colour of law. But ſome eminent and "worthy divines, who have had the charity to be often with me, "and whom I value and eſteem to a very great degree, have offered "weighty reaſons to perſuade me, that faith and patience are the "proper ways for the preſervation of religion; and the method of "the Goſpel is to ſuffer perſecution, rather than to uſe reſiſtance. "But if I have ſinned in this, I hope GOD will not lay it to my "charge, ſince He knows it was only a ſin of ignorance."†

The paſſages in the New Teſtament, wherein obedience to magiſtracy is ſo emphatically inculcated, are juſtly ſuppoſed to have been particularly addreſſed to the Gaulanites, a wild and deluded party, the followers of Theudas, a native of Gaulan in Upper Galilee. This fanatic, in the tenth year of JESUS CHRIST, "which "was the laſt of Auguſtus, excited his countrymen the Galileans, "and many others of the Jews, to take arms and venture upon all "extremities, rather than pay tribute to the Romans. The princi- "ples he infuſed into his party were, not only that they were a free "nation, and ought to be in ſubjection to no other; but that they "were the elect of GOD, that He alone was their Governor, and "that therefore they ought not to ſubmit to any ordinance of "man. And though he was unſucceſsful, inſomuch that his party, "in their very firſt attempt, were entirely routed and diſperſed; "yet ſo deeply had he infuſed his own enthuſiaſm into their hearts, "that they never reſted, till in their own deſtruction they involved

* Birch's Life of Tillotſon, p. 189. † Idem, p. 116.

"the city and temple."* It muſt be recollected, alſo, that the followers of JESUS had long a prepoſſeſſion that the Meſſiah was to enjoy a temporal kingdom and authority; and that, under his dominion, Judea was not only to recover her independency, but even to ſubvert the Roman power. Hence the ſeducing queſtion propoſed to our SAVIOUR, *Is it lawful to pay tribute to Ceſar, or not?* And St. Paul delivers this expreſs injunction, *Render, therefore, unto all their dues: tribute to whom tribute is due; cuſtom, to whom cuſtom; fear, to whom fear; honour, to whom honour.* But though it be true that *CHRIST's kingdom is not of this world;* that *every ſoul is to be ſubject unto the higher powers;* and that *whoever reſiſteth the power, reſiſteth the ordinance of GOD;* yet we are at the ſame time aſſured, that *rulers are not a terror to good works, but to the evil;* that *they are miniſters of GOD to us for good;* and that *for this cauſe we pay tribute.* From hence, I think, it is clearly to be inferred, that magiſtracy is the ordinance of GOD, for the good of ſociety; but that the duty of allegiance is exactly proportionate to its adaption to the great ends of its inſtitution.

It is curious to obſerve, how conſonant the law of England, relative to the diſputed titles of our ſovereigns, is to the maxim of the great Apoſtle of the Gentiles, *the powers that be are ordained of GOD.* The 11th ſtatute of Henry VII. recites, that "the ſubjects "of England are bound, by the duty of their allegiance, to ſerve "their prince and ſovereign lord, *for the time being*, in defence of "him and his realm againſt every rebellion, power, and might, "raiſed againſt him. And that whatſoever may happen in the for- "tune of war againſt the mind and will of the prince, *as in this* "*land*, ſome time paſt, it hath been *ſeen;* it is not reaſonable, but "againſt all laws, reaſon, and good conſcience, that ſuch ſubjects, "attending upon ſuch ſervice, ſhould ſuffer for doing their true "duty and ſervice of allegiance." "This," ſays Sir Michael Foſter, "putteth the duty of the ſubject upon a rational and ſafe "bottom. He knoweth that protection and allegiance are reci- "procal duties. He ſeeth the fountain from whence the bleſſings "of goverment, liberty, peace, and plenty, flow to him; and there "he payeth his allegiance."†

* Percy's Key to the New Teſtament.

† See Sir Michael Foſter's Diſcourſes on the Crown Law, folio, p. 399.

Having made the foregoing quotation from the works of this excellent judge, I am tempted to add a few more paſſages, on the ſubject of government, from the ſame invaluable diſcourſe. Some learned men "ſeem not to have ſufficiently attended to the nature and ends "of civil power, whereof the regal dignity is a principal branch; "they ſeem to have conſidered the crown and regal dignity merely as "a DESCENDABLE PROPERTY; or an eſtate or intereſt veſted in the "poſſeſſor, for the emolument and grandeur of himſelf and heirs, in "a regular invariable courſe of deſcent. And therefore, in queſ-"tions touching the ſucceſſion, they conſtantly reſort to the ſame "narrow rules and maxims of law and juſtice, by which queſtions "of mere property, the title to a pig-ſtye or a lay-ſtall, are governed. "If I could conceive of the crown as an inheritance of *mere pro-"perty*, I ſhould be tempted to argue in the ſame manner. But "had they conſidered the crown and royal dignity, as a deſcend-"able OFFICE, as a TRUST for millions, and extending its influence "to generations yet unborn; had they conſidered it in that light, "they would ſoon have diſcovered the principle upon which the "right of the legiſlature to interpoſe in caſes of neceſſity is mani-"feſtly founded: and that is the SALUS POPULI, already men-"tioned upon a like occaſion."*—"All the rights and powers for "defence and preſervation belonging to ſociety are nothing more "than the natural rights and powers of individuals transferred to "and concentering in the body, for the preſervation of the whole. "And from the law of ſelf-preſervation, conſidered as extending "to civil ſociety, reſulteth the well-known maxim, *ſalus populi ſu-"prema lex.*

"I think the principles here laid down muſt be admitted, unleſs "any one will chooſe to ſay, that individuals in a community are, in "certain caſes, under the protection of the primitive law of ſelf-"preſervation; but communities, compoſed of the ſame individuals, "are, in the like caſes, excluded. Or, that when the enemy is at "the gate, every ſingle ſoldier may and ought to ſtand to his arms, "but the *garriſon* muſt ſurrender at *diſcretion.*"†

* Sir Michael Foſter's Diſcourſes on the Crown Law, folio, p 404.

† Id. p. 382, 383.

NOTE (E) PAGE 250.

ADVANTAGES OF THE BRITISH GOVERNMENT.

THOMSON, whoſe authority may be quoted, as a moraliſt and philoſopher, has admirably deſcribed the Britiſh conſtitution, in the ſecond canto of his Caſtle of Indolence:

> " Whereas the knight had fram'd in Britain land
> " A matchleſs form of glorious government,
> " In which the ſovereign laws alone command;
> " Laws 'ſtabliſh'd by the public free conſent,
> " Whoſe majeſty is to the ſceptre lent."

Under this view of our conſtitution, loyalty in a Briton is a rational and patriotic principle. It is not a blind and ſervile attachment to the perſon or family of the monarch; but a reverence for him, as the miniſter of law and juſtice, and the patriarch of his people. If, however, his private and public virtues happily merit confidence and eſteem, ſubjection will be accompanied with cordial ſatisfaction; and obedience performed with promptitude, zeal, and love. This warmth of loyalty ought to be peculiarly encouraged in a free ſtate; becauſe it may often be found neceſſary to counteract the inſidious arts of faction, or the enterprizing ſpirit of ariſtocratic ambition.

It is a common obſervation, adopted even by ſome republican writers, that an abſolute monarchy is the beſt of all forms of government, provided a ſucceſſion of wiſe, virtuous, and patriotic ſovereigns be inſured. But, admitting the ſuppoſition, however improbable it may be, I am perſuaded it is eſſential to the higheſt intereſts of the people, that they poſſeſs a ſhare in the adminiſtration; and that the calm of deſpotiſm, even under a Titus or an Antoninus, would be leſs favourable to moral and intellectual improvement, than the agitations which occaſionally ariſe in our mixed ſyſtem of polity. Theſe agitations diffuſe the love of our country, kindle the ardour of ambition, animate the ſpirit of enterprize, and call forth into public exertion many talents which might otherwiſe have remained in obſcurity.

" This is true liberty, when free-born men,
" Having to adviſe the public, may ſpeak free;
" Which he who can and will deſerves high praiſe,
" Who neither can nor will may hold his peace:
" What can be juſter in a ſtate than this?"*

Theſe high and important privileges inſpire a veneration for the dignity of the human character, and a diſdain of whatever tends to the degradation of our ſpecies. And the enthuſiaſm of liberty, thus roufed, extends itſelf beyond our country: we learn to regard ourſelves as citizens of the world, and become aſſertors of the equal and unalienable rights of all mankind.

It is to the influence of this magnanimous principle, that we may reaſonably aſcribe the noble efforts, which have been lately made, towards accompliſhing the abolition of ſlavery and the African ſlave trade. " A ſlave, or a negro," ſays Judge Blackſtone, " the mo-" ment he lands in England, falls under the protection of the laws; " and, ſo far, becomes a freeman. This ſpirit of liberty is rooted " even in our very ſoil."* But I truſt it is not to be *locally* circumſcribed; that it is deeply implanted in our minds; and that, according to the aſſertion of Forteſcue, *Angliæ jura* IN OMNI CASU *libertati dant favorem.*† In the caſe of Somerſet, the negro, decided in 1772, it was the judgment of the Court of King's-Bench, that the maſter could not recover his power over his ſervant, by ſending him abroad at pleaſure. And the Chief Court of Juſticiary in Scotland, in 1778, made an award againſt John Wedderburn, in favour of Joſeph Knight, an African, " that the dominion aſſumed " over this negro, under the law of Jamaica, BEING UNJUST, could " not be ſupported, in this country, to *any* extent: that, therefore, " the defender, had no right to the negro's ſervice, for any ſpace " of time; nor to ſend him out of the country againſt his conſent."‡ So explicit a condemnation of the ſervitude of the negroes, by very high legal authority, clearly implies a condemnation equally ſtrong of that infamous traffic from which it originates; excluſively of every conſideration, relative to the barbarity with which it is conducted.

* Milton, motto to the Areopagitica, tranſlated from Euripides.

* Comment. book i. chap. i. p. 12.

† De laud. leg. Ang. cap. 42.—" One nation there is in the world that has, for the direct end of its conſtitution, political liberty." Monteſquieu's Spirit of Laws, vol. i. p. 215.

‡ Millar on the Origin of Ranks, edit. 3d, p. 361.

From the report of the Lords of the Committee of Council, concerning the preſent ſtate of the trade to Africa, and particularly the trade in ſlaves, it appears that this traffic is frequently carried on by *kidnapping*, and bears a cloſe analogy to *piracy*. The former is defined by Judge Blackſtone, "the forcible abduction or ſtealing "away of man, woman, and child, from their own country; and "ſelling them into another." By the Jewiſh law, this was a capital offence: *He that ſtealeth a man, and ſelleth him, or if he be found in his hand, ſhall ſurely be put to death:* Exodus xxi. 16. By the civil law, alſo, the crime termed *Plagium* was capital, which conſiſted in ſpiriting away and ſtealing men and children.* Piracy is an offence againſt the univerſal law of ſociety; a pirate being, according to Sir Edward Coke, *hoſtis humani generis*. And, by ſtatute 8 Geo. I. the trading with known pirates, or furniſhing them with ſtores or ammunition, is deemed piracy; and all acceſſaries to piracy are declared to be principal pirates, and felons without benefit of clergy.† Surely the crime of piracy, in its eſſence and degree, is the ſame, to an enlightened mind, on the coaſts of Africa as on thoſe of Europe: and we condemn, with as full conviction of their enormity, the depredations of the knights of Malta on the peaſants, fiſhermen, and ſailors of Barbary, as we do thoſe of the corſairs of Tunis, and Algiers, on the ſtate of Italy.‖

* Blackſtone's Comment. book iv. chap. xv.

The extent of this crime, as practiſed on the coaſt of Guinea, overpowers the ſenſe of its enormity, and of the miſeries produced by it. Of theſe miſeries we may form an eſtimate, by the following affecting account of the ſufferings of a few natives of another part of the globe, on being forced away from their country, their families, and friends. Chriſtiern IV. king of Denmark, ſent three ſhips to make diſcoveries on the coaſt of Greenland. The commanders of theſe veſſels carried off ſeveral of the natives, who, when firſt captured, "rent the air with "their cries and lamentations. They leaped into the ſea; and when taken again "on ſhip-board, for ſome time refuſed all ſuſtenance. Their eyes were conti- "nually turned towards their dear country, and their faces always bathed in tears "Even the countenance of his Daniſh majeſty, and the careſſes of the court and "people, could not alleviate their grief. One of them was perceived to ſhed tears "always when he ſaw an infant in the mother's arms; a circumſtance from "whence it was naturally concluded, that he had left his wife with a young child "in Greenland."—See Encyclop. Britan. Art. Greenland.

† Blackſtone's Comment. book iv. chap. 5.

‡ Howard on Lazarettos, p. 58.

Servitude is founded, by thoſe civilians who deem it lawful, on voluntary compact, on captivity, on debt, and on the power of the magiſtrate in the puniſhment of crimes.

Slavery, founded on *voluntary compact*, muſt in itſelf be void; becauſe man, being an accountable creature, has not in himſelf a right to diſpenſe with that accountableneſs, or to yield up his will and conduct to the abſolute diſpoſal of another. Beſides, every compact implies reciprocal and proportionate benefit. But what benefit can he derive from an act which diveſts him of all the capacities for property, all the rights of a citizen, and all the honourable diſtinctions of a rational being? *Captivity* cannot itſelf be juſtified, except as the conſequence of *lawful* war: and the priſoners, though they may properly be compelled to work for their own maintenance, or perhaps, in ſome ſpecial inſtances, to make compenſation for damages ſuſtained, owe no farther ſervices to their captors, and have a natural right to be reſtored to liberty, when ſuch obligation has been fulfilled, or whenever there ſhall be a ceſſation of war. In the caſe of *debt*, alſo, the claim to ſervitude is limited, extending only to the retribution of the creditor; and never involving in it any right over poſterity. As a *puniſhment* for crimes, ſlavery may ſometimes be deemed both reaſonable and politic; but, in its duration and ſeverity, it muſt be exactly proportionate to the offence: and as moſt puniſhments are intended for reformation, no leſs than for example, the benefit of the ſlave and of the public is to be the ſole ſtandard of its meaſure. How little applicable are theſe canons to the juſtification of ſlavery, as it formerly ſubſiſted in Europe; or to the practice of tranſporting ſlaves from the coaſt of Africa to our colonial poſſeſſions! But the authority of the Holy Scriptures is pleaded. To the Jewiſh laws and cuſtoms we owe no obedience; and the evangelical code will aſſuredly be found repugnant to ſlavery, in its doctrines, its precepts, and the example of its Divine Founder. We are therein taught, that all mankind are equally the children of one common Father, redeemed by the ſame Saviour, and joint heirs of glory and immortality. We are commanded *to love our neighbours as ourſelves*; and *to do unto others, as we would they ſhould do unto us*. And our Divine Maſter was himſelf *meek and lowly in ſpirit, condeſcending to men of low eſtate*, and *continually going about to do good*. Converted ſervants, indeed, *under the yoke*, are enjoined *to count their own maſters worthy of*

all honour. This, however, can only mean all reaſonable honour: and the *believing maſters* are at the ſame time inſtructed *not to deſpiſe their ſervants, becauſe they are brethren; but rather to do them ſervices, becauſe they are faithful and beloved partakers of the benefit*. 1 Tim. vi. 1, 2. Several of the injunctions of ſcripture, regarding ſubmiſſion, are to be conſidered as *prudential*, not as *moral*, precepts. *If a man ſmite thee on the right cheek, turn to him the left alſo. And, if any man take thy cloak, let him have thy coat alſo*. Such a rule could relate only to the particular circumſtances and ſituation of thoſe to whom it was delivered: and the command to bear injury, oppreſſion, or injuſtice, can, in no inſtance, give a ſanction to the commiſſion of thoſe crimes.

St. Paul addreſſes an epiſtle to Philemon, a native of Coloſſe in Phrygia, in behalf of Oneſimus his ſlave, who had robbed and run away from him, but was afterwards converted to the Chriſtian faith at Rome. The Apoſtle ſays, *I beſeech thee for my ſon Oneſimus, whom I have ſent again: thou, therefore, receive him that is my own bowels, not now as a ſervant, but above a ſervant, a brother beloved, ſpecially to me; but how much more unto thee in the fleſh and in the* LORD*!** Servitude, under ſuch circumſtances, is *virtually* annihilated: and it was by the ſpirit of meekneſs and brotherly love, that Chriſtianity was adapted to promote a gradual abolition of the cruel bondage, in which more than two-thirds of the Roman empire were held at the time of its promulgation.

NOTE (F) PAGE 252.

TAXES ON THE NECESSARIES OF LIFE.

AT Tobolſki, in Siberia, the price of proviſions is ſo extremely low, that it ſeems to encourage both idleneſs and debauchery in the inhabitants; for the labour of one day furniſhes ſufficient

* It has been conjectured, that Oneſimus received his freedom, and was afterwards biſhop of Berœa in Macedonia. "When Ignatius wrote his epiſtle to the "Epheſians, about the year 107, their biſhop's name was *Oneſimus*; and Grotius "thought him to be the ſame for whom Paul interceded with Philemon."—Lardner's Hiſtory of the Apoſtles. Biſhop Watſon's Theological Tracts, vol. ii. page 297.

ſupport for a whole week, and every additional exertion ſupplies the means of riot and exceſs.* Sir Wm. Temple, in his compariſon between the people of Ireland and the Netherlands, aſcribes the lazineſs of the former to the like cauſe. "For men," ſays he, "naturally prefer eaſe before labour, and will not take pains if they "can live idle; though, when by neceſſity they have been inured to "it, they cannot leave it, being grown a cuſtom neceſſary to their "health and very entertainment."† But in Siberia and in Ireland, the inhabitants having never ſeen or taſted the enjoyments procured by induſtry, and being in a ſtate of oppreſſion, from which they have not the power to free themſelves, they are deſtitute of adequate incitements to exertion: whereas in the provinces of America, though the price of labour is very high, and the neceſſaries of life ſtill more cheap and plentiful than in the countries above-mentioned, induſtry ſubſiſts in its full energy. The evils flowing from high wages and the cheapneſs of proviſions are chiefly obſerved in our great manufacturing towns, and in the diſtricts immediately dependent upon them. In the kingdom at large, ſuch conſequences are not experienced; yet the country working poor are ſuppoſed to conſtitute three-fourths of the whole body of labourers: ſo that the adoption of a maxim, which is juſt and ſalutary with reſpect to the ingenious but profligate inhabitants of towns, may prove injurious to the more ſober, orderly, but leſs active inhabitants of the country; who are alſo the great ſources of population. For it appears, from Mr. Howlet's calculation, that, at Dunmow in Eſſex, two hundred and ſixty poor families have four hundred and ſixty children; whereas one hundred and ſixteen families, of the ranks above them, have only one hundred and twenty children.

NOTE (G) PAGE 256.

STATUTES OF EXCISE.

IT is the complaint of an enlightened French ſtateſman, M. Turgot, that the eſtabliſhed rule of finance, in all doubtful caſes, is to make the deciſion in favour of the revenue: and that, by the

* Lord Kaims's Hiſtory of Man, vol. ii.

† Account of the Netherlands, ch. vi.

complication of laws, almoſt every caſe is rendered doubtful. M Neckar alſo obſerves, that when the taxes are immoderate, when they even exceed certain limits, exactneſs is augmented in proportion to the difficulty of collection: it becomes neceſſary to give greater authority to the collectors; to be inſenſible to complaints; to venerate the ſcience of finance; and to honour all the profeſſors of it, without diſtinction.

As the finances of the kingdom are now ſaid to be in a flouriſhing ſtate, and as the annual collection of more than fifteen millions bears ſo large a portion to the whole capital ſtock and income of the community; it may be hoped that the legiſlature will engage in a thorough reviſion of the laws of revenue, with a view, not merely to their productiveneſs, but to their equity and conſiſtency with the rights of the people. Tacitus records the juſtice of an edict of Nero, commanding the prætor of Rome, and ſimilar officers in the provinces, to receive complaints againſt the publicans, and to redreſs the wrongs committed by them on the ſpot.* Let us compare this with the conduct of Frederic II. king of Pruſſia, whoſe tax-gatherers ſupported the double office of exciſeman and judge; ſo that if a tenant did not pay his aſſeſſment on the very day appointed, the collector put on the magiſterial robes, and fined the delinquent in double the ſum.†

A very judicious writer‡ on the ſubject of taxes remarks, "that "though vexation is not, ſtrictly ſpeaking, expence, it is certainly "equivalent to the expence, at which every man would be willing "to redeem himſelf from it." This important conſideration pleads ſtrongly for a reviſal of the exciſe laws; by which ſix millions and a half, a ſum equal to two-fifths of the whole revenue of the ſtate, are raiſed chiefly from the arts and induſtry of the people. It is ſaid, that the number of informations tried in one year amounted nearly to five thouſand; but the actual forfeitures only to ſeven thouſand pounds. A fuller proof can hardly be adduced that frivolous and vexatious ſuits are often inſtituted, even under the preſent juſt and lenient government. What oppreſſion, therefore, may be dreaded from a farther extenſion of an uninterrupted ſyſtem of exciſe, if power and long uſage ſhall hereafter ſilence the public voice againſt it!

* Annal. xiii. 51. † Towers's Life of the King of Pruſſia.

‡ Smith on the Wealth of Nations, book v. ch. ii. part ii.

NOTE (H) PAGE 256.

OATHS.

IN the edict of the Grand Duke of Tuscany, for the reform of Criminal Law, of which the benevolent Mr. Howard has favoured me with a copy, it appears that the number of oaths are greatly diminished; and that they are administered with the utmost solemnity and reverence. As this tract is not published, I shall transcribe the following paragraphs from it:—

"In consequence of the foregoing regulations, instead of the "warning to declare the truth, which it was for the judge in the "process to give the witness, previous to his taking his oath, the "said officer shall represent to him, that the laws, both human and "divine, make it the duty of every man not to attest a falsehood, "nor to declare himself ignorant; he is likewise to remind him, "not only of the importance of that obligation, but also that he is "liable to be obliged to confirm by oath, at the request either of "the accused, the plaintiff, or the injured party, whatever he is "about to declare, in reply to the simple queries that are to be put "to him."

"And we order that, in whatever case and circumstance it may "be permitted to administer an oath, let it be to whom it will, and "on any occasion whatsoever, the judge or public officer carrying "on the trial, before he administers the said oath, shall represent to "the person the obligation that accompanies it, explaining to him "its meaning and importance; and to the end that it may make a "greater impression, we abolish the simple formality of touching a "leaf of the bible only, instead of which the person shall kneel "down, and swear before a crucifix. When the person who is "about to swear, is of a religion different from ours, he shall take "his oath in the form the most respected and dreaded by those of "his own persuasion, the great importance of the undertaking "having previously been represented to him."

Mr. Howard, in his Observations on Foreign Prisons, informs us, that, in *La Prison Ordinaire*, at Bern, a serious exhortation is hung up, concerning the awful nature of an oath, together with the forms of those which are to be taken. He transcribes the one following: "My deposition, which has now been read to me, I confirm before

" the face of GOD omnipotent, omniſcient, and true, to contain the " truth, as I deſire that GOD may be my help, at the end of my " days." The ſame excellent author ſpeaks, with much approbation, of the mode of adminiſtering oaths in Scotland; and aſſerts that perjury is not frequent in that country. But I know not how to reconcile this obſervation with what Lord Kaims, a late reſpectable judge of the Court of Seſſion, has delivered in his Looſe Hints on Education:—" Cuſtom-houſe oaths," ſays his Lordſhip, " now-" a-days, go for nothing; not that the world grows more wicked, " but becauſe no perſon lays any ſtreſs upon them. The duty on " French wine is the ſame in Scotland and in England. But as we " cannot afford to pay this high duty, the permiſſion, under-hand, " to pay Spaniſh duty for French wine, is found more beneficial to " the revenue than the rigour of the law. The oath however " muſt be taken, that the wine we import is Spaniſh, to entitle us " to the eaſe of the Spaniſh duty. Such oaths, at firſt, were highly " criminal, becauſe directly a fraud againſt the public; but now " that the oath is only exacted for form's ſake, without any faith " intended to be given or received, it becomes very little different " from ſaying in the way of civility, *I am, Sir, your friend, or your* " *obedient ſervant*. And in fact, we every day ſee merchants deal-" ing in ſuch oaths, whom no man ſcruples to rely upon in the " moſt material affairs."

Such Machiavelian ſentiments, offered by a learned judge, muſt ſurprize and ſhock every well-informed and well-principled mind. But I ſhall make no other comment on them, than that they irrefragably evince the corrupting influence of the preſent multiplication of oaths on the moral opinions as well as practices of mankind.

ADDITIONAL NOTE, PAGE 247, LINE 16.

TURPITUDE MARKED BY THE GROSS DEFECT OF GOOD PRINCIPLES, &c.

THE diſtinction of *poſitive* and *negative* turpitude is of conſiderable importance in ethics. Yet there may ſubſiſt great apathy, or defect of good principle, in a mind virtuous as to its general conſtitution. The people of Hindoſtan are remarkable for the gen-

tleneſs of their diſpoſitions, the ſoftneſs of their manners, and the force of their attachments in love; yet they ſeem to be devoid of compaſſion and generoſity. They are ſaid to be unaffected by the diſtreſſes, the dangers, or even the death, of a fellow-creature. "An "Engliſh gentleman was ſtanding by a Hindoo, when a fierce and "ravenous tiger leaped from a thicket, and carried off a ſcreaming "boy, who was the ſon of one of his neighbours. The Engliſhman "expreſſed ſymptoms of the moſt extreme horror; whilſt the "Hindoo remained unmoved. What! ſaid the former, are you "unaffected by dreadful a ſcene? The great GOD, replied the "other, would have it ſo."*

* See Annual Regiſter for 1752, p. 36.

BIOGRAPHICAL

MEMOIRS

OF THE LATE

THOMAS BUTTERWORTH BAYLEY, Esq;

F. R. S. &c. &c.

OF

HOPE-HALL, NEAR MANCHESTER.

" ———— by all approv'd,
" Prais'd, wept, and honour'd, by the *friend* he lov'd."

"HEU!

"QUANTO MINUS EST RELIQUIS VERSARI,

"QAM TUI MEMINISSE."

BIOGRAPHICAL MEMOIRS

OF

THOMAS BUTTERWORTH BAYLEY, Esq.

THE recollection of a Friend, who has finished his earthly career with distinguished honour, and recently paid the last debt to nature, is accompanied with a mixture of reverence and love, beyond what the most exalted or most beneficent actions during life inspire. We cherish the contemplation of departed excellence with pleasing sorrow; and it becomes even a grateful task, to communicate to others some participation in the feelings which occupy our minds on the mournful occasion. These reflections have been suggested by the much-lamented death of Thos. B. Bayley, esq; whose talents, character, and conduct have long been regarded by the public with no ordinary degree of interest. He was seized at Buxton with a disorder of the bowels, which terminated fatally on Thursday the 24th of June, 1802, at the close of the 58th year of his age. The illness was short but severe; and supported by him with

exemplary ſerenity and fortitude. His progenitors were perſons of fortune and great reſpectability; and on his mother's ſide he was deſcended from the Dukenfields of Dukenfield in Cheſhire; an ancient family, in the male line of which the dignity of Baronet has been tranſmitted in regular ſucceſſion ſince the reign of King Charles II. Mr. Bayley was educated to no profeſſion; but being ſent to the Univerſity of Edinburgh, and placed under the ſpecial care of an excellent tutor, he applied himſelf with uncommon ardour, aſſiduity, and ſucceſs, to all thoſe ſtudies which were adapted to qualify him for the rank and duties of a country gentleman. Not long after he had completed his academical purſuits he was nominated to be one of his Majeſty's Juſtices of the Peace for the County Palatine of Lancaſter. By reading, by obſervation, by attendance on the courts of judicature; and particularly by communication with a neighbouring magiſtrate,* diſtinguiſhed for his probity, ſound judgment, and juridical ſkill; he acquired a very comprehenſive knowledge of the laws of his country: and becoming pre-eminent on the bench, he was in a few years appointed Perpetual Chairman of the Quarter-Seſſions. This ſtation, which was of peculiar importance in the populous trading diſtrict where he officiated, he filled with dignity and conſummate ability. His attention to the cauſes brought for trial was unremitting; his patience

* Dorning Raſbotham, Eſq.

in hearing the longeſt inveſtigations, unwearied; his diſcrimination of evidence, impartial and acute; and his protection of the witneſſes from petulance or inſult was ſpirited and inflexible. The charges which he delivered to the jurymen were replete with legal wiſdom and moral inſtruction; and he pronounced the ſentence of the Court on the unhappy convicts with the moſt impreſſive ſolemnity. Indeed, on every occaſion he delivered himſelf with fluency, grace, perſpicuity, and energy.

His excellence as a Magiſtrate was not confined to the proceedings of the bench. He ſuperintended with vigilance the general POLICE, ſolicitous to diminiſh evils in their commencement, and to obviate puniſhment by the prevention of crimes. He was ſedulouſly watchful over the PAROCHIAL WORKHOUSES under his juriſdiction; which he frequently viſited, that he might make the ſtricteſt ſcrutiny into their domeſtic regulations, their comforts, ſalubrity, and the proper diſtribution of labour.

The erection of a commodious and well-ventilated GAOL and PENITENTIARY-HOUSE, at Mancheſter, was accompliſhed by him in 1787, but not without much oppoſition. Yet the meaſure was afterwards ſo highly approved, even by thoſe juſtices who were at firſt ſtrenuous againſt it, that the premiſes were ſtiled the *New Bayley*, in honour of the projector, by the unanimous vote of the whole bench of magiſtrates. Of this place of confinement, the philanthropic Mr. Howard ſpeaks in the following terms: "By the

" ſpirited exertions of Mr. Bayley, and other magiſ-
" trates, a new priſon is building on a large ſcale,
" from Mr. Blackburn's plan, in which there will be
" ſingle cells and ſeparate apartments for faulty
" apprentices, &c. This priſon will reflect much
" credit on the good ſenſe and liberality of the
" hundred of Salford, which alone defrays all the
" coſts of the building." For the improvement in the Courts of Aſſize, and the County Gaol at Lancaſter, the like praiſe is due to Mr. Bayley. Such indeed was the general ſenſe of his ſkill in the conſtruction of places of confinement, that he was conſulted about moſt of the priſons which of late have been enlarged or erected in this kingdom.

The ſtate of the great body of the poor, in the town and neighbourhood of Manchester, occupied much of the time and attention of Mr. Bayley. In the year 1796, he took a very active part in the eſtabliſhment of a BOARD of HEALTH, over which he continued to preſide, till the inſtitution was deprived of his ſervices by death. The firſt Report of this eſtabliſhment thus announces the deſign of it to the public: " To meliorate the condition of the
" indigent; to prevent the generation of diſeaſes;
" to obviate the propagation of them by contagion;
" and to mitigate thoſe which exiſt, by providing
" comforts and accommodations for the ſick; are the
" profeſſed objects of this undertaking." That much good has been done by it, cannot be doubted; and the farther plans for the extenſion of its benefits,

which are now in contemplation, were ardently encouraged and ſupported by Mr. Bayley.

The Cotton-Mills, which have been ſo multiplied in this country, as now to furniſh employment to ſeveral hundred thouſand hands, very early arreſted the attention of Mr. Bayley. In the year 1784, an alarming malignant fever was ſuppoſed to originate in a large factory at Radcliffe near Mancheſter. The Magiſtrates, therefore, requeſted the Phyſicians of the town to make enquiry into its cauſes, and to ſuggeſt the proper means of preventing the ſpreading of the contagion. The commiſſion was immediately executed; and the Medical Gentlemen thus concluded their Memorial, addreſſed to his Majeſty's Juſtices of the Peace: "We earneſtly recommend a longer re-"ceſs from labour at noon, and a more early dis-"miſſion from it in the evening, to all who work in "the Cotton-Mills. But we deem (ſay they) this in-"dulgence eſſential to the preſent health and future "capacity for labour of thoſe who are under the age "of fourteen; for the active recreations of childhood "and youth are neceſſary to the growth, the vigour, "and right conformation of the human body. And "we cannot excuſe ourſelves, on the preſent occaſion, "from ſuggeſting to you, who are the guardians of "the public weal, this further very important con-"ſideration; that the riſing generation ſhould not be "debarred from all opportunities of inſtruction, at "the only ſeaſon of life in which they can be pro-"perly improved." Since the period here alluded

to, ſeveral proprietors of large factories have, with equal judgment and benevolence, adopted regulations favourable both to health and morals. Yet in many of theſe works great evils ſtill ſubſiſt; and, it was the opinion of Mr. Bayley, will continue to ſubſiſt, till a code of laws for their general government, framed according to the plans which the experience of a few ſpirited individuals has proved to be practicable, wiſe, and ſalutary, has been ſanctioned by the authority of the legiſlature. On the Bill lately enacted, for the well ordering of Apprentices in the Cotton-Mills, he was conſulted by the very reſpectable Senator, who moved and ſupported it in Parliament. The clauſes in general he approved; but conſidered them as much too partial and limited in their operation, to anſwer the important and neceſſary purpoſes of reformation. Indeed he was adverſe to the admiſſion of apprentices from a diſtance; who, being unknown, muſt in ſome meaſure be unprotected. To the diſſolution of family connections alſo, even amongſt the loweſt orders of the poor, which this practice tends to produce, he was wont to urge very forcible objections. On ſuch connections the moſt valuable intereſts of life depend:

> " Relations dear, and all the charities
> " Of Father, Son, and Brother." MILTON.

And when a parent has been induced to abandon his offspring, and the child is placed in a ſituation which extinguiſhes all the tender attachments of affinity, the ſtrongeſt incentives to virtue are with-

drawn, and the mind becomes prepared for idleneſs, malevolence, and profligacy.

To counteract the cauſes of increaſing vice and miſery, by promoting the moral and religious inſtruction of the riſing generation amongſt the poor, Mr. Bayley gave the moſt zealous encouragement to the eſtabliſhment of Sunday Schools. He was a friend to the diffuſion of knowledge, eſpecially of that knowledge which all admit to be *prime wiſdom*; and he often expreſſed both ſurprize and concern at the error of many well-diſpoſed perſons, who are inimical to the extenſion of every branch of learning to the inferior claſſes of the community. For his comprehenſive experience had fully convinced him, that reading, writing, and arithmetic, are not only favourable to ſkill and advancement in the arts, but to ſubordination, peaceableneſs, ſobriety, and honeſty.

More than twenty-five years ago, a few gentlemen belonging to the town and neighbourhood of Mancheſter, who had a taſte for polite literature and philoſophy, formed themſelves into a weekly aſſociation, for the purpoſe of converſing together on ſcientific topics. Mr Bayley early joined this little band; and afterwards aided, both by his counſels and influence, the enlargement of the original plan. Preſidents and other officers were elected; laws were framed; and a regular inſtitution eſtabliſhed, under the denomination of the *Literary and Philoſophical Society of Mancheſter*; which has publiſhed five volumes of Tranſactions, inſcribed by permiſſion to the

King, that have been received with much approbation by the public. The meetings of this body Mr. Bayley could only occaſionally attend, having his time fully occupied in other preſſing and active purſuits; but he repeatedly furniſhed valuable communications.

From this Inſtitution another ſprung, not long afterwards, entitled the *College of Arts and Sciences*, for which Mr. Bayley was at great pains to obtain the moſt honourable patronage, and moſt liberal ſupport. It was intended to provide a courſe of ſcholaſtic inſtruction, compatible with the engagements of commercial life, favourable to all its higher intereſts, and at the ſame time preparatory to the ſyſtematic ſtudies of the univerſity. To unite philoſophy with art, the moral and intellectual culture of the mind with the purſuits of fortune, and to ſuperadd the nobleſt powers of enjoyment to the acquiſition of wealth, were the objects which it profeſſed to hold in view. In the firſt ſeſſion, lectures were propoſed to be delivered on practical mathematics, and on the principal branches of natural and experimental philoſophy; on chemiſtry, with a reference to arts and manufactures; on the origin, hiſtory, and progreſs of arts, manufactures, and commerce; on the commercial laws and regulations of different countries; and on the nature of commutative juſtice, of oaths, contracts, and other branches of commercial ethics. This admirable undertaking, which was highly applauded by men of the firſt literary eminence in England and other

countries, and ſo approved by Dr. Franklin, that he is ſaid to have left a conſiderable ſum of money for the eſtabliſhment of a ſimilar inſtitution in America, met with unexpected and very groundleſs oppoſition in Mancheſter; and for want of ſufficient encouragement was ſoon abandoned. The effort, however, though not crowned with ſucceſs, reflects honour on the memory of Mr. Bayley.

The Abolition of the Slave Trade, about fourteen years ſince, became the ſubject of very intereſting parliamentary diſcuſſion. Mancheſter had the honour of precedence over every other provincial town in the kingdom, in eſpouſing this important cauſe of juſtice and humanity. Public conſultations were held to promote the ſucceſs of it; and no one engaged in the tranſaction with more heart-felt concern than Mr. Bayley. A petition to the Houſe of Commons was determined upon, by a numerous and moſt reſpectable meeting; and when it was framed and ready for ſignature, he was the firſt perſon who affixed his name to it. On taking the pen, he lifted up his hands to Heaven, and with an elevated voice exclaimed, "May "GOD grant his bleſſing on this virtuous effort in "favour of oppreſſed humanity!" A profound ſilence enſued; one ſympathetic emotion ſeemed to pervade the whole aſſembly; and every heart was in uniſon with the devout aſpiration.

The delightful, and it may be added, truly patriotic purſuits of Agriculture, ſince on their extenſion the national proſperity is far more dependent, than on

foreign commerce, uniformly engaged the few leiſure hours which Mr. Bayley enjoyed; and to the exerciſe in the open air, to which he was induced by attention to the improvements in his pleaſure-grounds and farm at Hope, aided by habitual temperance, a conſtitution, naturally weak and infirm, was rendered tolerably vigorous and robuſt. In draining, planting, manuring, and the culture of new graſſes, he had acquired no ſmall degree of ſkill and judgment; and the Mancheſter Agricultural Society, of which he was a founder and conſtant ſupporter, adjudged to him many honourable premiums.

At the cloſe of the American war, before peace was finally concluded with France, Government encouraged the raiſing of Volunteer Corps in different parts of England. A very reſpectable one was embodied at Mancheſter, and Mr. Bayley was appointed by his Majeſty Lieutenant-Colonel Commandant. The ſame honour was again conferred upon him, on the like occaſion, in 1798, a period when the country was univerſally alarmed with the apprehenſions of invaſion.

In a diſtrict ſo immenſely populous as the Hundred of Salford, in which very conſiderable viciſſitudes are at times experienced in the ſtate of the manufactures, affecting the prices of labour and the means of ſubſiſtence, violent tumults may, under particular circumſtances, be expected to ariſe. The military force has never been employed in repreſſing theſe diſorders, but as an auxiliary to the civil power; and Mr. Bayley,

by temperate firmneſs, and authority mixed with conciliation, was always able, in conjunction with ſome of his brethren of the Bench of Juſtices, to diſperſe the mobs without the effuſion of blood. On ſuch alarming emergencies, his own life has been, more than once, in the moſt imminent danger. Yet he ſhrunk not from the expoſure of it again, when public duty called him to the renewal of his exertions: and he has been known to ride into the midſt of an enraged multitude, armed with ſtones and bludgeons; and, when exhortations and threats availed not, has aſſiſted perſonally in the ſeizure of their ringleaders; evincing, that the energy of a generous mind riſes according to the greatneſs of the exiſting occaſion; and that courage and intrepidity will always be adequate to the magnitude of the evil which is to be overcome.

Mr. Bayley married Mary the only child of Mr. Vincent Leggatt, of London; a lady whoſe cheerfulneſs, good-ſenſe, and maternal virtues, have endeared her to a numerous family; and whoſe hoſpitality, beneficence, and humanity, have rendered her a bleſſing to an extenſive neighbourhood. In the relation of huſband, father, and friend, Mr. Bayley's merits were not leſs diſtinguiſhed than in the offices of public life which he ſuſtained. The warmth of his affections, and the urbanity of his manners, peculiarly qualified him for domeſtic and ſocial endearments. In his conduct to his children, he blended together, with great felicity, authority and love. The ſuavity

and playfulneſs of his mind diſpoſed him to participate in all their amuſements. Yet he could reſume the parental authority, whenever it was liable to injury from familiarity or condeſcenſión. The proſperity and happineſs of his intimate connections, were almoſt as dear to him as his own; and he deemed no exertions for their intereſt too painful or laborious, when the claim was important or reaſonable. He had ample means of furthering their views, by the very numerous correſpondences which he enjoyed with men of every rank and ſtation throughout theſe kingdoms. The powers which Mr. Bayley poſſeſſed of forming acquaintances, and his aſſiduity in preſerving all that were valuable, conſtitute a remarkable trait in his character. With a perſon and addreſs truly engaging, he recommended himſelf at once to attention and regard; and having much general knowledge, he could adapt his converſation with eaſe and propriety to the turn of mind, the purſuits, or the occupation, of the individual with whom he conferred. Early habits of multiplied buſineſs had alſo trained him to all the varieties of intercourſe. Soon after his firſt entrance into the magiſtracy, he was appointed High-Sheriff of Lancaſhire; an office which, by its dignity and duties, neceſſarily introduced him to almoſt every one of conſequence in the county. Afterwards he was made Collector of the King's Revenue under the Chancellor of the Dutchy; and his frequent calls to ſerve on Grand Juries; the applications to Parlia-

ment, in which at different times he was engaged; with various circumſtances of a private nature, contributed to enlarge ſtill more the ſphere of his ſocial relations, and conſequently to aid his capacity for uſefulneſs both to his friends and the community.

In this ſhort biographical ſketch of a beloved friend, it would be highly unjuſtifiable to paſs over in ſilence his RELIGIOUS CHARACTER. The virtues and honours of a tranſitory life dwindle into inſignificance, if they are not made to refer to a ſtate of futurity, and to the eternal favour of GOD. This ſentiment, at all ſeaſons, actuated the pious mind of Mr. Bayley; and his hopes of immortality were founded on a full confidence in the Divine Goodneſs, and a firm perſuaſion of the truth of Chriſtianity. His devotion was ſincere and fervent, but devoid either of enthuſiaſm or ſuperſtition. To the communion of the Church of England he was cordially attached, not from the prejudices of *early education*, but from mature reflection and deliberate judgment. Yet though he cheriſhed her doctrines and diſcipline, he was uniformly hoſtile to the ſpirit of bigotry, and full of candour and benignity to other modes of faith and worſhip. He honoured *probity* alike in the individuals of every ſect; and held the rights of conſcience and of private judgment to be inviolable. On the awful day of reſurrection, he believed the final enquiry will not be, What creeds have you adopted, or what eccleſiaſtical ſyſtem have you eſpouſed; but have you clothed the naked; have you fed the

hungry; have you miniſtered to the ſick; or have you ſerved GOD, by doing good to your fellow-creatures, who are his offspring?

In Politics, Mr. Bayley was a Whig of the old ſchool; devoted to the eſtabliſhed principles of the Britiſh Conſtitution; in ſupport of which he diſplayed ſuch zeal and activity, during the late eventful and turbulent period, as to receive the warmeſt approbation from his Majeſty's miniſters.

Such are the lineaments of an exalted character, which friendſhip has endeavoured, with powers too feeble, to pourtray. The ſhades that mixed themſelves with the brighter colourings, will not, in the eye of reaſon, be viewed as darkening the picture. For the condition of humanity admits not of perfection; and almoſt every excellence is occaſionally blended with ſome kindred defect. This conſtitutes at once the trial and the triumph of virtue. In the revered man, whoſe loſs is ſo deeply lamented, provocations ſometimes excited reſentful emotions, which the occaſion might not perhaps entirely juſtify. But theſe occurred not on the judgment-ſeat, nor at any ſeaſon when duty imperiouſly required ſelf-command. His warmth alſo was ſhort-lived, and was ſucceeded by the moſt amiable relentings. The forgiveneſs of injuries he carried almoſt to the literal extent enjoined in the Goſpel, pardoning the offences of a brother, not only *ſeven times*, but *ſeventy times ſeven*. A veſatility of mind and of purſuits was ſometimes obſerved in Mr. Bayley, beyond what is

conſiſtent with the firmneſs of purpoſe, ſuppoſed to be characteriſtic of wiſdom. But let it be recollected, that in the multiplicity of concerns which occupied his attention, new and unexpected views of things might preſent themſelves; and that pertinacity muſt often have proved more injurious than a temporary diſpoſition to change. In the exerciſe of the magiſterial functions, the ſentence of juſtice can ſeldom be expected to give ſatisfaction to each of the parties who are the ſubjects of it. He who ſuffers by the award, will be inclined to complain; and complaint, however unreaſonable, may incite to condemnation. Sometimes, alſo, the deciſion may be apparently rigorous and ſevere; and by exceeding the moral turpitude of the offence, may ſtand oppoſed to the feelings of pity, and even to the ſenſe of equity, in the minds of uninformed ſpectators. On ſuch occaſions, hard is the lot of a judge, who is bound by his oath, and ſtill more ſtrongly by his duty to ſociety, not to *diſpenſe* with, but to *execute*, the laws of his country; and whatever be the ſtruggle in his heart, every ſoft emotion is to be controled. He muſt riſe ſuperior to preſent obloquy, and magnanimouſly fulfil the ſacred obligations of his office.

The rejection of petitions for mercy to a condemned delinquent, or for the mitigation of pains and penalties, which were not unfrequently preſented to Mr. Bayley, as Chairman of the Seſſions, from well-intentioned, but not well-judging, perſons, expoſed him to unmerited cenſure, and often to permanent

reſentment. To render puniſhments efficacious in the correction or prevention of crimes, they muſt be known to be inevitable. Offences otherwiſe would be indefinitely multiplied; for every offender might find advocates to plead his cauſe, either from intereſt or from motives of miſplaced humanity. When the magiſtrate, therefore, has deliberately and conſcientiouſly apportioned the meaſure of infliction to the atrocity of the guilt, or to the injury which it does to ſociety, he ought to remain inexorable. At one of the Quarter-Seſſions, a memorial was delivered to the Chairman, in behalf of a convict, who had a family and connections poſſeſſing conſiderable intereſt in the town of Mancheſter. When it was offered, a particular ſignature was pointed out, with an intimation that it muſt carry with it irreſiſtible weight. "I love "and reſpect," ſaid Mr. Bayley, with ſome degree of ſternneſs and vehemence, "the perſon to whom you "refer: but it is in the ordinary intercourſe of life. "On the bench of juſtice I know neither friend nor "enemy." His auſterity of deportment on this occaſion was very unreaſonably cenſured. For though the application might not be in itſelf improper, yet the manner in which it was conducted implicated a charge ſufficient to excite reſentment, that the Chairman was ſubject to private influence.

But why ſhould the Biographer aſſume the language of apology, when there is ſo little ground for reprehenſion, and ſo much for applauſe? The merits and eminent ſervices of Mr. Bayley will be

recorded with honour, and long remembered with gratitude. In the general ſentiment of ſorrow for his death, his failings, which were only the frailties of human natnre, are already forgotten.

Manchester, July 1ſt, 1802.

EPITAPH.

To the Memory
of
THOMAS BUTTERWORTH BAYLEY, Eſq;
of
Hope-Hall, in the Pariſh of Eccles.
An active, intelligent, and upright Magiſtrate;
Candid in examination, clear in judgment,
Firm in deciſion, yet tempering
Juſtice with Mercy;
A beneficent Patron of the Poor;
A zealous Friend, an intereſting Companion;
A hoſpitable Neighbour;
A lover of his Country, and of Mankind;
A good Maſter, a tender Huſband,
A kind Father,
And a devout Chriſtian.
This Tablet
Is gratefully and affectionately inſcribed,
by
His Mourning Relict
and
Eleven Children.

DISSERTATIO MEDICA

INAUGURALIS

DE

FRIGORE.

QUAM,

ANNUENTE SUMMO NUMINE,

Ex Auctoritate MAGNIFICI RECTORIS,

FRIDERICI WILHELMI PESTEL,

JURIS UTRIUSQUE DOCTORIS ET PROFESSORIS JURIS PUBLICI ET PRIVATII IN ACAD. LUGD. BAT. ORDINARII,

NEC NON

Amplissimi SENATUS ACADEMICI *Consensu, et Nobilissimæ* FACULTATIS MEDICÆ *Decreto,*

PRO GRADU DOCTORATUS

Summisque in MEDICINA Honoribus et Privilegiis, ritè ac legitimè consequendis,

Eruditorum examini submittit

THOMAS PERCIVAL, ANGLUS,

REG. SOCIETAT. LOND. SOCIUS.

Ad diem VI. *Julii* MDCCLXV. *Hora* X.

Dissolve Frigus, ligna super Foco
Largè reponens.—— —— ——

HOR. *Ode* IX.

Phœbe fave, novus ingreditur tua templa Sacerdos.

TIBULLUS.

VIRO ILLUSTRISSIMO,

JACOBO

COMITI DE MORTON,

NOBILISSIMI ORDINIS DIVI ANDREÆ EQUITI;

A SCOTIÆ PROCERIBUS AD MAGNÆ BRITANNIÆ
COMITIA ITERUM ITERUMQUE LEGATO;

REGISTRORUM ET ROTULORUM IN SCOTIA
CUSTODI SUPREMO;

REGIÆ SOCIETATIS LONDINENSIS PRÆSIDI,

ET

MUSÆI BRITANNICI CURATORI;

GENERE ET PROAVIS
CLARO;

DOCTRINA, INGENIO, VIRTUTIBUS

CLARIORI;

ARTIUM ET LITERARUM HUMANARUM

FAUTORI EXIMIO,

JUDICI OPTIMO,

Hasce Studiorum Primitias ea qua par est Observantia,

D. D. D.

THOMAS PERCIVAL.

VIRO ADMODUM ERUDITO

ET

MEDICO PRÆCLARO,

NATHAN ALCOCK, M.D.

REGIÆ SOCIETATIS, ET COLLEGII MEDICORUM LOND.
SOCIO DIGNISSIMO,

NEC MINUS MORIBUS QUAM INGENIO ET
LITERIS SPECTABILI:

THOMAS PERCIVAL,
S. P. D.

LICEAT, Vir Docte, Dissertatiunculam hanc, juvenemque ejus Auctorem, qui Laboris Academici Lauream modo adeptus, pari timore et diffidentiâ Templum Apollinis ingredi parat, præsidio tuo commendare. Omnino conscius quam arduam Provinciam susceperit, te non solum consulere, sed et auxilium tuum implorare ausus est; teque non magis posse quam velle ei prodesse persuasissimum habet.

Nam nihil habet Fortuna tua majus quam ut possis, nec Natura melius quam ut velis adjuvare quam plurimos.

Perge, Vir Summe, artem Apollineam ornare, Patriæ tuæ charus vivere, et propius propiusque ad Deos accedere Salutem Hominibus dando. Vale.

DISSERTATIO MEDICA

INAUGURALIS

DE

FRIGORE.

SECTIO PRIMA.

MAGNA eſt inter Viros Doctos de natura Frigoris contentio; et adhuc etiam, an *vera* putanda ſit *ſubſtantia*, vel *relatio* tantum, ſub judice lis eſt. Multi Philoſophi in Gallia et Germania, et imprimis inter hos Celeberrimus MUSSCHENBROEK, priorem ſententiam amplexi ſunt. Ill. autem NEWTONUS, aliique Anglicani eruditi, ſibi ipſis perſuaſum habuerunt, Frigus nihil aliud eſſe quam Caloris abſentiam vel diminutionem. Minimè injucundus erit labor, nec meæ Diſſertationis inſtituto omnino alienus, hanc controverſiam breviter explorare, et quædam de hac re Auctorum placita ad trutinam revocare.

Argumenta pro Frigoris naturâ ſubſtantiali, à Phænomenis aquæ glaciantis ut plurimum deducuntur.

1. In medium profertur, aquam congelatione eſſe expanſam; hâc factâ expanſione ab introitu Frigorificæ materiæ.

Hoc argumentum omnino futile et leve eſt. Aquæ enim glaciantis expanſio, à ſeparatione aëris in ea contenti, ut facillimè demonſtrari poteſt, ortum ſuum ducit; quæ ſeparatio, tam aperta eſt, ut oculis percipi poſſet. Bullæ enim Aëris innumeræ ſemper in glacie cernuntur; et certa experimenta nos docuerunt, aquam aëre privatam per coctionem, vel antliâ Pneumaticâ exhauſtam, expanſione valdè diminutâ glaciari.

2. Aliquid ſubſtantiale affirmatur aquam intrare uno eodemque momento quo congelatur, quod à parte quadam vaſis oriri videatur.

In promptu eſt hoc argumentum refellere. Aquæ enim ſaliumque concretionis ratio par atque una eſt; et glaciationis phænomena eodem modo quo chryſtalliſationis explicanda ſunt. Omne vas quandam habet inæqualitatem tum caloris tum denſitatis in diverſis ejus partibus; Congelatio autem à parte frigidiſſimâ incipit, illic fila glacialia formabuntur, et aëris bullæ ea præcedent.

3. Aqua facilius glaciatur in apertis quam in clauſis vaſis, in Aëre quam in Vacuo; quod fidem facit ampliſſimam aliquid ex aëre vas intrare; nec dubium eſt quin hoc, quodcunque ſit, ſoliditate gaudeat, quum partes vaſis difficulter pervadat.

Ut aciem hujus argumenti obtundamus, notandum eſt duo ad congelationem eſſe neceſſaria; 1. gradum quendam Frigoris; 2. ſeparationem Aëris ex aqua. Si hæc impediatur, non facile fiet congelatio; ob eandam forſan cauſam qua Acidum et Alkalinum in Phialâ rectè occlusâ non efferveſcunt.* Congelatio etiam Aquæ compreſſione Aëris ad ejus ſuperficiem impeditur. Nam *punctum Gelandi*, eodem modo quo ipſe *articulus Aquæ Bullientis* variatur, omni gravitatis mutatione in Æthere incumbente. Prompto hoc experimento id poteſt confirmari.

Experimentum.

Receptâ Machinâ ad aërem condenſandum conſtructâ, et aquâ ad dimidium impletâ; injice in eam duas vel tres aëris atmoſphæras. Tunc ejus partibus applica frigoris factitii gradum infra punctum congelationis. Nulla glaciei concretio formabitur, niſi frigus ſit maxime intenſum; et ſi ita res ſe habeat, Machina certé frangetur. Attamen quamprimum aër aggregatus è vinculis emittitur, aqua in glaciem concreſcet.

Nec facile ſeparatur aër, ab aquâ in vaſe quodam arctè inclusâ. Nam elaſticitas Ætheris æquiponderat ejus gravitati. Si vero frigus valde intenſum ad glaciem producendum applicetur, aqua profecto

* Vide Experiment. Reaumuri, *Mem. de l'Acad. de Sciences.*

concreſcet ; interea vas niſi firmiſſimum ſit, ab impetu aëris ſe expandentis frangetur.

De difficultate Aquam glaciandi in Vacuo obſervandum eſt, Aëris preſentiam poſſe ſimili modo congelationem expedire, quo Cupri ſolutionem in Alkali Volatili adjuvat. Aër externus forſan eſt *Menſtruum* Aëris Mephitici ex cupro emiſſi.

Sed in confeſſo eſt Aquam glaciari poſſe tum in Vacuo, tum in vaſe occluſo. Itaque ſi materies Frigoris talem habeat ſubtilitatem, qualis ad penetrandum corpus ſolidiſſimum ſufficiat ; non intelligo quomodo partes vaſis ingreſſum ejus impedire poſſint.

4. Hæc materies Frigoris natura gaudet ſalina: Nam ſi Phiala aquam continens in ſalium ſolutione ponatur, aqua brevi tempore concreſcet.

Idem ſal aqua miſtum, pro ſuo ſtatu aut frigus aut calorem generare poteſt. *Nitrum* ſub forma Cryſtallorum aquam refrigerat ; exuſtum autem eam calefacit. Attamen peculiares ejus qualitates mutationem hanc ſolummodo patiuntur, quod in priore ſtatu aquam contineat, in poſteriore ea penitus privetur. Haud aliter ſe habent Alkalia fixa ſub effervescentiæ et cauſticitatis conditione. Eſt autem incredibile hæc ſalia ſuas impertiri qualitates Phialæ aquæ in eorum ſolutione immerſæ, vel ei incognitas quaſdam particulas dare. Nam ſalia in aqua ſoluta vim ei ſuppeditant congelationi diutius reſiſtendi. Facultas etiam Frigus generandi ſalibus non ſolum eſt tribuenda. Quippe Camphoræ ſolutio peritè

facta in Spiritu Vini Rectificato, quando Aëris temperies ad gradum ſit 36 Thermometri FARENHEITIANI, aquam glaciabit.

5. Aqua ampullâ vitreâ contenta et ante focum poſita in vaſe nive pleno, conglaciabitur ſimul ac Nix regelatur.

Frigus in ipſo puncto ſolutionis productum hanc efficit congelationem; non debet itaque ad ullam impulſionem frigoris particularum, vi Foci, in aquam referri. Unum autem eſt potentiſſimum et plane invictum experimentum, quod omnia argumenta ex congelatione deducta, ad probandam *ſubſtantialem* Frigoris *naturam*, omnino diruit. Si portio, unciarum videlicet quatuor, Salis Ammoniaci in unciis duodecim aquæ puræ ſolvatur, cum utriuſque temperies ad gradum 53 ſupra o in Thermoſcopio ſit FARENHEITIANO, liquor in Thermometro ad gradum 33 confeſtim ſubſidet. Vas autem aqua plenum in Lixivio illo locatum ad glaciem formandam nequaquam refrigerabitur. At ſi eadem Salis Ammoniaci portio in aquam 50°. calidam immittatur, temperies ejus ad gradum 22. reducetur, et Phiala aquæ in hanc ſolutionem immerſa extemplò conglaciabitur.* Si autem Sal Ammoniacum particulis quibuſdam ſuis frigorificis aquam revera congelat, tunc in omni aëris temperie, ſufficiente ſalis copiâ adhibitâ, idem effici oportet. Sed res aliter longe evenit. Celeb. MUSSCHENBROEK negat aquam uno et eodem quidem

* Vide Boerhavii Elem. Chem. vol. i. p. 159.

puncto Thermometri in Regionibus diverſis conglaciari; et hoc quaſi clariſſimum argumentum exiſtentiæ Frigoris particularum adfert. Verum Ill. Georgius Martinus, teſtimoniis certiſſimis et experimentis luce clarioribus, hanc refellit aſſertionem in Tractatu ſuo de Calore ſcripto. Punctum autem conglaciationis obſervatu tam difficile eſt, ut D. Musschenbroek facillime de hac re hallucinari poſſit. Calor enim et Frigus ſemel alicui inſinuata corpori, diu utplurimum in illo morantur. Quarè aëre jam diſpoſito ad gradum 32. in Thermometro, nondum tamen aqua conglaciabitur. Aqua enim quæ aëris communis gravitatem 800° et ultra ſuperat, ex præcedenti qui pervaſerat calore, diu manet tepida, poſtquam aër jam novam frigoris impreſſionem accepit. Error etiam oriri poteſt ab ipſa Thermometri poſitione. Si enim vel parieti vel alii corpori appenderis, calor inſitus illis mutationem quandam inſtrumenti efficiet.*

Aqua aliquando in glaciem concreſcet ex cauſis adventitiis et non facile explicandis. D. Holmann, aquam in vaſe clauſo non congelatam invenit, licet aër et omnia corpora circumſiſtentia infra punctum glaciationis longè fuerint. Sed quamprimum manus ſuas in veſiculam impoſuit, qua tectum fuit Vas, motu excitato, aqua ſtatim concrevit. In alio vaſe aquam glaciabat manu ſuâ calidâ ex utraque parte admotâ. Hæc phænomena, particulis ullis ſolidis Frigoris nequaquam ſunt aſcribenda.

* Vide Boerhav. Elem. Chem.

Ex ſupra dictis veriſimillimum videtur, aquæ congelationem nullo modo arguere naturam Frigoris ſubſtantialem. Formatio glaciei ex abſentia vel diminutione caloris oritur, pariter ac Metalli liquefacti paulo poſt fuſionem concretio. Nam ut Calor particulas corporum expandit, et eas à ſe invicem explicat, ſic privatio vel diminutio caloris eaſdem condenſat arctiuſque comprimit. In temperie aëris communi, aquæ prima elementa laxè inter ſe cohærent; ſed Frigus, i. e. caloris privatio, imminutâ vi elaſticâ *Ætheris* illius, qui omnia corpora intimè pervadit, particularum aquæ coalitionem impetuoſam, ſecundum leges attractionis efficit, unde aër inter eas particulas poſitus expellitur.

De naturâ Frigoris ſatis diſputatum; ad alteram jam partem accedamus, ubi varios ejus fontes, effectus multiplices, potentiamque validam in corpus humanum, explicabimus. Primum autem ea principia Œconomiæ Animalis inveſtiganda ſunt, quæ homines multis mutationibus vi Frigoris obnoxios reddunt.

SECTIO SECUNDA.

CORPUS humanum in tres partes a Pathologis dividitur; nempe, *Solida Simplicia*, *Humores* vel *Fluida*, et *Solida Viva*. De his ſingulis ſeparatim dicemus.

De Solidis Simplicibus.

Multos et diverſos Morbos Pathologiæ Scriptores ad Solida Simplicia retulerunt. Iſtiuſmodi ſunt Craſſitudo, Exilitas, Laxitas, Rigiditas, Fragilitas, cum multis aliis. Atqui duo tantum de his Morbis, videlicet, Rigiditas et Fragilitas, vi Frigoris attribui poſſunt;* et potentia ejus etiam in his morbis generandis omnino parva et nequaquam reſpicienda invenietur.

Quum autem Frigus materiam univerſam tam validè condenſat, minimè mirandum eſt quod Medici ſimiles ejus actioni effectus, in Fibras corporis ſimplices, tribuerint. Et quoniam Incolæ Regionum Septentrionalium plerumque ſunt robuſtiores et firmitate corporis multo magis quam Auſtrales pollen-

* Ingenuè etiam agnoſco Frigus Exilitati favere.

tes; hæc Hypotheſis tum analogia, tum experientia confirmari videtur.

At Corporis condenſatio ejuſque caloris diminutio perfectè inter ſe congruunt; hæc autem condenſatio nunquam ita evenit, ut oculis noſtris percipi poſſit, niſi corpus ad gradum frigoris longè infra naturalem ejus temperiem ſit redactum. Frigus autem corpori humano æqualiter applicatum dummodo ne morbum inferat, nequaquam minuit univerſalem ejus calorem; ſolida ergo ſimplicia minimè condenſat.* Cutis enimvero, et minima vaſcula, per ſuperficiem corporis ſparſa, parva quadam conſtrictione poſſint affici; ſed cum partes internæ unam et eamdem temperiem retineant, vis Frigoris ad eas certè non pervenit. Hic quoque partialis effectus ortum ſuum ducere poſſit, tam ex cutis ſenſibilitate, quam Fibrarum mechanica condenſatione.

Quamvis Populi Hyperborei rigidiores habeant Fibras et corpora magis robuſta quam Incolæ Regionum ubi ſoles melius nitent; hoc tamen provenire poteſt à cauſis, quæ licet connexæ, non ideo neceſ-

* Illa caloris æqualitas quam corpus animale in cœli temperamentis maximè diverſis retinet, admodum eſt mirabilis; et aliquam *Facultatem vitalem* quæ temperat inter ſe calorem externum et humanum, planè indicat. Celeb. D. Ellis, Præfectus Georgiæ, Americæ Septentrionalis Provinciæ, calorem aëris in umbra ad gradum 105 Thermometri Farenheitiani, iſtic inveniebat, cum calor ejus ipſius corporis haud exceſſerit gradum 97. ejuſdem Thermoſcopii. vid. *Phil. Tranſact. vol.* I.——Et amicus quidam meus, experimentis quibuſdam à ſe ipſo inſtitutis, corpora ranarum æſtivo tempore tribus gradibus aquâ ambientê frigidiora invenit.

fariè vel ex Frigore vel ex Calore pendent. Nationes *Torridæ Zonæ* utplurimum ſunt inertes et deſidioſæ; et eorum cibus ex herbis recentibus potiſſimum conſtat. Dum Gentes Septentrioni ſubjectæ, propter ſoli ſterilitatem laborare coguntur; et per oblectamenta Venationis diverſa ad exercitium alliciuntur. Nec poſſunt illi, ullo alio modo, à penetrabile frigore ſe ipſos defendere, quam Corporis labore. Ad hoc quoque accedat, quod carnibus maximè veſcantur.

Pleræque autem hæ cauſæ quæ corpus roborant et conſtringunt, in Fibras ſimplices non tam validè quam in Fibras Motrices ſuas vires exerunt: Sed de hac re alibi tractandum eſt.

Fragilitas alius eſt effectus Frigori tributus. Hic morbus autem oſſibus peculiaris eſt, quæ magis eſſe fragilia dicuntur ſummâ hyemê quam tempore æſtivo. Sed hæc affirmatio nequaquam fide digna eſt. Oſſa enim tam profundè ſunt ſita, et tam circumcluſa in corpore animato partibus calidis, ut à Gelu quamvis maximè intenſo et diuturno prorſus ſint tuta. Fracturæ oſſium certè in hyeme quam in æſtate ſæpius eveniunt; quæ tamen ſat benè explicentur, a Terræ lubricitate, tenſione auctâ muſculorum ad prolapſionem præcavendam, et corporum rigiditate, in quæ noſmetipſos præcipitamus.

Conſtat itaque Frigoris effectum in Fibras ſimplices parvi eſſe momenti. Et hæc concluſio, operationem univerſam medicamentorum, omneſque ferè externas cauſas corpus afficientes, forſan complecti poteſt.

De Fluidis vel Humoribus.

Frigus in Fluida variis modis potest agere. 1. Vascula constringendo, et inde auctam eorum pressionem producendo; sed hic effectus ex ejus actione in solida viva pendet. 2. Condensationem propriam Fluidorum ipsorum efficiendo. Hæc autem condensatio omnino perexigua est; nam aqua à gradu 212 ad 56°. Thermometri Farenheitiani refrigerata, non magis quam $\frac{1}{115}$ totius ejus magnitudinis densatur.* Quantula est autem ulla refrigeratio corporis humani ab externo Frigore, huic temperiei mutationi comparata?

At enim Frigus separationem partium Fluida componentium efficere existimetur. Qui vero hanc sententiam amplectuntur à vero longè aberrant. Ea etenim animalia quæ tempus hybernum somno alto et sine sensu peragunt, totius sanguinis stagnationem et concretionem patiuntur, sed absque ulla partium separatione. Frigus minuit perspirationem et eo modo Fluida mutare creditur. Verum facultas quâ præditum est, minima vascula per corporis superficiem sparsa constringendi, ab eorum sensibilitate et irritabilitate maximè oritur. Ideoque in hoc etiam casu agit in solida viva; et si ulla fiat mutatio in humoribus, materiei obstructæ perspirationis, et minimè propriæ Frigoris actioni, ascribenda est.

* Vid. Boerhaav. Elem. Chem. vol. i. p. 174.

De Solidis Vivis

Sub hoc nomine, omnes corporis partes motrici vi præditas, ſeu ab imperio voluntatis pendeat, ſeu ab actione ſtimuli cujuſcunque generis, externi vel interni, complectimur.* Ill. Hallerus, qui de orbe medico optimè meretur, propter labores ejus utiliſſimos in Anatomia et Phyſiologia, ſumma ope nititur, duas facultates movendi, in corpore animato, diſtinguere. Una ab illo nuncupatur *Vis inſita Muſculis*, ſive *Irritabilitas;* altera, *Vis Nervoſa*, qua motus voluntarius perficitur. Priorem ille affirmat nequaquam pendere à ſenſibilitate vel vi nervoſa, et propriam eſſe muſcularibus corporis partibus. Hypotheſis hæc à multis præclaris Phyſiologis vehementer fuit impugnata; et imprimis ab illuſtri et ingenioſiſſimo Roberto Whytt, Medicinæ Profeſſore in Alma Academia Edinenſi. Sed quia omnino me abduceret ab inſtituto hujus Diſſertationis, hanc litem pluribus proſequi; hoc tantum notabo ſenſibilitatem eſſe planè diſtinctam ab irritabilitate. Minime autem ſequitur eas non eſſe nexas, vel ex ſe invicem non mutuò

* *Senſibilitas* huic definitioni ſolidorum vivorum adjici poteſt. Nam quæque pars corporis humani acutâ ſenſibilitate prædita, quamvis ex ſtructura ſua non apta ſit ad motum, tamen eâ ſympathiâ quæ per totam Machinam animatam diffunditur, quosdam poteſt motus efficere in aliis partibus, quoties ſtimulo afficitur. Sic cum leniter titillatur cutis, convulſio ferè omnium muſculorum corporis illicò ſequitur. Nervi lacerati vel ligati ſæpiſſimè maxillas obſerant, et alias producunt affectiones ſpaſmodicas. Sedneque cutis, nec nervi facultate movendi ſunt præditi.

fluere. Nec certè evicit HALLERUS ullam partem, neque nervis neque ſenſu donatam, irritabilem eſſe.* Locus eſt notatu dignus in Volumine quarto Elementorum Phyſiologiæ, quo HALLERUS agnoscere videtur Vim contractilem Muſculorum magis ex Nervis pendere, in multis inſignibus exemplis, quibus non poteſt animus ſuum imperium exercere, quam ejus Hypotheſi congruit. De Nervis differens dicit: "Adferunt ex cerebro efficacia imperia, non voluntatis, ſed legum corpori animato ſcriptarum quæ volunt ad certos naſci motus. Muſculi erectores Penis, veri illi quicunque ſunt, per Nervos accipiunt eam vim, quâ Penem diſtendunt; eaque vis non eſt à voluntate, neque aut imperio animæ accerſi poteſt, aut deſtrui: ſed à cerebro tamen ad ſpecies lubricas et obſervantem animæ voluptatis imaginem naſcitur. Adferunt ad cor in ira motus præcipites et palpitationes effecturos, non voluntatis juſſu, ſed tamen à cerebro et ab obverſante animæ infeſtæ ſpeciei ſtimulo, quô ſe liberari vult, quam celerrimè. Sunt ergo Nervi inter animæ officia et corporis partes internuncii, etſi in his exemplis non voluntatis dictata perferunt."† Cum Nervi itaque in his exemplis ſint inſtrumenta motus non voluntarii; cur non nobis liceat ex analogia inferre, eos in aliis conſimilibus exemplis ita ſe habere? Si cor palpitatione afficiatur ex mentis pathematis, quæ nervos ad id organum miſſos

* Vid. Whytt's Phyſ. Eſſays, p. 158.

† El. Phyſ. vol. iv. p. 516, §. 111.

quodammodo perturbant ; nonne veriſimile eſt, nervos eoſdem eſſe cauſas ejus contractionis per ſtimulum calidi refluentis ſanguinis? Cur autem in controverſiam me ipſum implicui, quam omninò evitare me magis deceret?

Omnes fere mutationes in œconomia animali à cauſis cum externis tum internis oriundæ, ex ſenſibilitate naſcuntur.* Attamen Scriptores Pathologici adeo hanc veritatem ignoraverunt, ut penè omnes, Ill. GAUBIO excepto, omninò ferè eas facultates neglexerint. Jam inde ex quo primum cognitus eſt ſanguinis circuitus, corpus humanum pro machina tantùm hydraulica habitum eſt; et Medici, omnes ejus motus ſecundum Leges Mechanicas explicare conati ſunt, opus profecto vanum atque ineptum aggreſſi. Nam variæ mutationes quæ ſæpiſſimè occurrunt in motu cordis et arteriarum, Sympathiæ inter diverſas corporis partes, et validi ſpaſmi qui muſculos à cauſis minimis vel etiam omnino ignotis aliquando invadunt, manifeſtè demonſtrant corpus humanum legibus ſubjectum eſſe, prorſus alienis ab iſtis mechanicis, quibus materia iners ſubjicitur.

BOERHAAVIUS *cauſam proximam* morborum credit ex vitiis Fluidorum ut plurimum pendere, minimè ſecum reputans humores noſtros omninò inertes eſſe, et quamlibet eorum mutationem provenire, vel è nova chemica diſpoſitione ultimarum ſuarum particu-

* Irritabilitas hic comprehendit et vim inſitam muſculis, et vim nervoſam ; et hoc in ſenſu ea voce poſtea utemur.

larum ex fermentatione nata, vel à motibus virium vitalium corporis. Ita *Lentor Sanguinis* nequaquam cauſa, ſed Febris et Inflammationis effectus habendus eſt; nam à citato impetu vaſorum, qui in his morbis exſtat, oritur. "Nonnunquam ſanguis initio Febris "acutæ, aut etiam topicæ Inflammationis miſſus, cruſta "caret, habetque eandem aut in altera, aut in tertia, "aut in quarta Venæſectione."* Vid. De Haen, Rat. Med. pars I. cap. vi. pag. 54, Paris edit. Urina etiam tenuis et pellucida, à fœmina hyſterica excreta, non ex ſanguinis tenuitate, ſed à conſtrictione vaſculorum in renibus ſecernentium, provenit. Homo enim ſaniſſimus vel metu, vel hauſtu parvo infuſi Theæ fortis, urinam omninò conſimilem reddet.

Robur et *Debilitas* à ſtatu ſolidorum ſimplicium multo minus pendent quam Medici Mathematici agnoſcere volunt. Homines Fibris laxiſſimis præditi, Iracundia vel Phrenitide permoti, Herculeis quaſi viribus pollere videntur; dum metu vel mœrore etiam validiſſimi fiunt debiles et inertes. Jam vero quam incredibile, quam abſurdum eſſet, vires in hiſce exemplis auctas vel diminutas, ſolidorum ſimplicium ſubitæ mutationi attribuere? Effectus igitur

* Sanguinis lentor ex vaſis minutis conſtrictis ſæpe oritur. In regionibus frigidis et ſeptentrionalibus, ſanguis, ex hominibus qui optima valetudine fruuntur, eductus, et qui tempore hyberno venæſectione tanquam prophylactico utuntur, cruſtam pleuriticam ut plurimum induit. Hoc forſan devenire poteſt ex vi frigoris eodem modo quo faſcia agente. Experimentis enim probavit D. Simson, ſanguinem è vena emiſſum poſt arctam in quovis membro ligaturam, ſemper glutinoſum fore.

illi à vi nervoſa in corpus variè agente omni ſine dubio naſcuntur. Et Rationi prorſus conſentaneum eſt, Vinum, Corticem Peruvianum, et alia medicamenta roborantia, in Solida Viva omninò fere vires ſuas exerere.

Multæ et magnæ mutationes, ex ea Sympathia, quâ præditum eſt corpus humanum, proveniunt. Hæc Sympathia nihil aliud eſſe videtur quam Irritabilitas magis extenſa, et ei facultati, Idioſyncraſiis quibuſdam ſolum exceptis, ut plurimum invenitur aptè reſpondere. Hanc autem rem liceat nobis exemplo illuſtrare. Capiant duo Homines, quorum unus ſit robuſtus, alter corporis habitu mollior et debilior, Pulveris Ipecacoanhæ drachmæ dimidium. Simili nauſea et vomitione uterque afficietur; at Homo robuſtus in Ventriculo forſan, Diaphragmate, Musculis Abdominis et Œſophago ſolummodo male ſe habebit: alter autem ex majori ſua Irritabilitate adeo premetur, ut omnes ferè corporis muſculi nervique, convulſiones per Sympathiam patiantur.

Nulla pars corporis humani, ventriculo excepto, conſenſum habet, tam per totum ſyſtema extenſum, quam cutis, ut quotidiana nos docet experientia. Hæc autem ſympathia non ſolum ex ſenſibilitate ipſi cuti inſita provenit, ſed à vaſis etiam minimis quæ per ejus ſuperficiem, numero ferè infinito ſparguntur. In quibuſdam corporis conditionibus, hæc vaſa valde ſunt irritabilia; et ne unum quidem conſtringitur, quin omnia ſtatim, conſenſu, ſimili ſpaſmo afficiantur. Ex hoc evenit, quod Febres, Catarrhi, Pleuritides,

Peripneumoniæ, aliique morbi multi, à Frigore externo, pro cauſis ſuis prædiſponentibus, concitentur. De hac autem Frigoris vi protinus tractandum eſt: nunc ex quibus cauſis originem ſuam ducit breviter ſtrictimque oſtendemus.

SECTIO TERTIA.

Causæ Frigoris quatenus Corpus afficiunt.

HÆ cauſæ opinionem vulgarem numero longè ſuperant; ad ſequens tamen compendium reduci poſſint.

1. Evaporatio tam ex Humo quam Veſtibus humidis.
2. Cœlum humidum.
3. Cœlum chemicè ſiccum.
4. Aër per anguſtas rimas in corpus agens.
5. Frigidæ potio, corpore labore ſudante.

De his diverſis Frigoris cauſis ſingulatim diſſerendum eſt.

Evaporatio.

Tandem certiſſimis evincitur experimentis Fluida in Vapores converſa intenſiſſimum Frigus gignere. Veſtes itaque humidæ neceſſariò ſunt valde periculoſæ; quia frigus ab iis ortum corporis ſuperficiem immediatè afficit. Celeb. Lind, qui optimè de Civibus ſuis meruit ob Tractatum ingenioſiſſimum de *Scorbuto*, humiditatem exiſtimat inſignem eſſe cauſam hujus morbi. Nam in Cœli tempeſtatibus ſpuma maris undoſa, impetu procellæ ſublata, per totam navim ſpargitur, et nautæ non ſolum de die veſtibus madidis induuntur, ſed etiam ſuper ſtragula humida per noctes totas dormire coguntur.* Simile oritur diſcrimen Corpori Terræ exhalationibus expoſito. Homines qui loca demiſſa ac paluſtria accolunt, ob hanc cauſam Rheumatiſmo præcipue et Febribus Intermittentibus ſæpiſſimè corripiuntur. Hi etiam morbi frequentiores evadunt et periculoſiores, ſi anni tempeſtas admodum ſit calida. Rectè enim animadvertit doctiſſimus Pringle imbres crebros, tempore æſtivo in terris paludoſis maximè prodeſſe. Nam exhalationes minuunt, aquas ſtagnantes et corruptas refrigerant, vaporesque noxios et putridos præcipitant.† Vicinitas Sylvarum inſaluberrima quoque

* Vid. Lind on the Scurvy, p. 70.

† Diſeaſes of the Army, p. 5, 62.

meritò existimatur. Perspiratio enim à Foliis et Ramis Arborum tam copiosa est, ut fidem omnino superaret, si non experimentis Ill. Halesii tam clarè evinceretur.* Pluvias etiam Roresque, sub expansa magis latiorique superficie, solis et aëris actioni exponunt, et hoc modo Cœli augent humiditatem. Nulla ferè Regio Europæa est, quæ magnam non subiit Cœli mutationem intra mille et octingentos annos; maximè, uti credibile est, provenientem à tota fermè excisione Nemorum, quæ hanc orbis Terrarum plagam olim cooperiebant. Gallia et Germania, ætate Julii Cæsaris, trutes et algosæ fuerunt Terræ; et in Italia etiam ipsa, Hyemes tam gelidæ ac nivosæ extiterunt, ut *Tiberis* aliquando innavigabilis foret. In America Septentrionali est observatu dignum, Cœlum cujusque Provinciæ mitius magisque salubrè fieri pro incolarum industria in excindendis et exurendis arboribus ibi nascentibus.† Europæi qui loca Americana primi occupaverunt, omnes ferè per malignum Endemicum morbum perierunt, qui corpora breviſſimè putridâ quadam Febris specie dissolvit. Id autem imprimis accidit iis, qui loca arboribus et fruticibus obsita incolebant.‡ *Hybernia*, olim Paludibus Sylvisque referta,

* Vid. Statical Essays.

† Ill. D. Franklyn, uti à Familiari quodam ejus accepi, certis suis experimentis invenit quod, in iis Provinciis ubi arbores magna ex parte excisæ sunt, flumina ex inde quoad latitudinemque longitudinemque valde minuerentur.

‡ Vid. Boerhaave Elem. Chem. vol. i. p. 620.

infaluberrima fuit. Nunc autem temporis, cum exuſta ſint Nemora et Paludes deſiccatæ, regio eſt amœna et in multis ejus agris homines longiſſimâ et ſaniſſimâ vitâ fruuntur.*

De Cœlo Humido.

Aqua vel diffuſo vel diſſoluto ſtatu, prout cœlum ſe habeat, aëri videtur ineſſe. Nam multis graviſſimiſque argumentis ſatis probabile redditur, quod aër ſit *Menſtruum* Aquæ.

1. Vis ejus diſſolvens, tanquam alia menſtrua, calore augetur, et frigore minuitur. Recipe Ampullam Vitream ſubere arctè occluſam, tantùmque humiditatis continentem, ut paululum obnubilet opacetque internam ejus ſuperficiem. Tum ampullâ ante focum ut calefiat poſitâ, nebula quam includit aquoſa brevi tempore diſſolvetur, et vitrum omnino pellucidum fiet. Si autem vas, in aquam frigidam immergatur, vapor formabitur, et humoris guttulæ per latera ampullæ manabunt. Effectus hicce, Roris præcipitationi tempore veſpertino, quando aër â ſolis occaſu frigidior devenit, maximè conſimilis eſt. Ambo autem ſalium ad ſaturationem ſolutione in aqua tepida pulcherrimè illuſtrantur. Prout enim aqua refrigeratur, ſalis portio continuò præcipitatur; calore autem integrato, iterum reſolvitur.

2. Aër veluti alia menſtrua pro quantitate ſua agit, uti oculis manifeſtum eſt, in vi ſiccante ventilatorum.

* Vid. Bryan Robinſon on the Operation of Medicines, p. 122.

Hi enim nequaquam mechanicè agunt, vellendo quaſi aquæ particulas à corporibus quibus adhæreſcunt, neque enim ullum ventum, neque vel minimum etiam flatum excitant.

3. Aëris vis ſolvens, previæ ejus ſaturationi reſpondet; et in hac quoque re cum aliis menſtruis congruit. Hinc magis ſiccat verno quam autumnali tempore; quod Lintei Dealbatoribus optimè notum eſt.

4. Aqua ſemper et in omnibus locis Terrarum Orbis Aëri adeſt. Hoc ſæpè oculis ipſis per ſalia, cauſtica fixa, quæ ab igne areſacta et prorſus ſiccata in aëre vulgari ſponte liqueſcunt, manifeſtè exhibeatur. Nam Aër, qui intra ampullam, trium librarum fluidæ capacem, continetur, tantum aquæ tenet quantum ſufficit unciam ſalis Tartari non ſolum humectare, ſed etiam aliquantulum magis ingravare: Hæc autem aqua, quæ aëris gravitatem magis quam 850°. ſuperat, maximam partem illius ponderis quod in ipſa aëris portione ſtaticè deprehenditur, omni ſine dubio facit.* Si aër itaque omnem ferè gravitatem ex aqua in eo volitante accipit; rectè inferri poteſt aquam eſſe ſolubilem in aëre. Nam tempeſtatê diu ſerenâ et ſenſibus noſtris maxime aridâ aër fit ſemper ponderoſior, atmoſphæraque gravior, ut manifeſtè ex Barometro apparet. Hoc autem nullo modo poteſt explicari, niſi aerem in eo ſtatu pleniſſimè aquâ ſaturatum eſſe agnoſcatur. Humiditas diffuſa, gravitatem Ætheris diminuit; quia Vapor levior eſt,

* Vid. Boerhaav. El. Chem. vol. i. p. 466.

et majus occupat ſpatium quam aër chemicè ſaturatus aquâ. Eſtne aër, cujus vis menſtrualis frigore impreſſo minuitur, et qui continet etiam multam humiditatem diffuſam, ſpecificè levior quam aëi chemicè ſaturatus aquâ, magna cum copia humiditatis diffuſæ conjunctâ?

Amicus meus ingenioſiſſimus ARTHUR LEE, M.D. ſequentem credit obſervationem totam fere ſtructuram Theoriæ hujus diruere: "Evaporatio Sp. Vini "Rectificati in Vacuo Boyleano facta, majorem "Frigoris gradum quam in vaſe aperto parit. Itaque "quum Frigoris generatio ex Evaporatione pendeat, "et quoniam in hoc exemplo evaporatio augetur, "aëre interim diminuto, rite poteſt inferri aërem non "eſſe menſtruum Vaporis à Spiritu Vini ſeparati."

Pone rem ita ſe habere, concluſio tamen iſta minimè concedenda eſt. Frigus enim intenſius ab aucta Sp. Vini Evaporatione nequaquam provenit, ſed ab aëre potius per exantlationem educto cum à fluido tum à Vaſe Recipiente. Nam omnibus fere notum eſt ipſam exinanitionem Recipientis Antliæ Pneumaticæ, Frigus valde ſenſibile gignere. Porro in hocce experimento, ut mihi videtur, evaporatio Sp. Vini reverà minuitur; extractio autem aëris majori copiâ ſat bene explicat auctam Frigoris generationem.

Supputa* igitur aërem poſſe diſſolvere aquam, minime erit difficile, cauſam iſtius Frigoris explicare,

* Sequens Experimentum, ſi per tempeſtatem anni liceret mihi id inſtituere, omnem ut opinor dubitationem tolleret, de Aëris facultate aquam ſolvendi. ℞. Salis Tartari perfecte cauſtici et ab igne

quo corpus humanum à Cœlo humido ſemper afficitur. Calor enim corporum noſtrorum vim aëris menſtrualem auget; et hoc modo Vapores Aquoſi magis copiosè diſſolvuntur, friguſque intenſum hâc ſolutionê ſtatim oritur. At humidum Cœlum alio quoque modo corpus refrigerat. Omnis enim Vapor diutius quam aër retinet ſuam temperiem; ſi Hyems itaque ſæviat, vel ſi tempeſtas anni ſit frigida, vapor hic aquoſus corpori admotus neceſſariò id afficit algore. Nam calida quædam atmoſphæra ſemper nos circumambit, quæ aërem tepefacit antequam corpora noſtra attingat. Hæc autem humiditas non tam citó incaleſcit, et quum perpetuó et æqualiter applicatur, atque iterum iterumque renovatur, minime mirandum eſt ſi corpus graviſſimo frigore vi ejus perculſum ſit.

De Cœlo Chemice Sicco.

Aêr poteſt aridus exiſtimari, quando parvam aquæ quantitatem continet. Eurus ob hanc cauſam, tem-

arefacti uncias duas; injiciantur quam ficciſſimæ in ampullam magnam vitream, datam quantitatem Aëris communis continentem; et ſtatim poſt ſalis immiſſionem ſit vas arctiſſimè obturatum. Aqua quæ in Aëre fuit diſperſa brevi tempore ſal irrigabit. Omni humiditate diffusâ ſic abſorptâ, aqua chemicè diſſoluta ſeorſim, ni fallor, in Aëre remanebit. Nam Aër aquæ quam ſalibus ipſis cauſticis magis affinis eſt, uti ex hoc clarè conſtat, quod ſal deliqueſcens Aëri ſicco expoſitum, ſuam perdit humiditatem, et formam ſolidam aſſumit. His omnibus ritè peractis, jam minuetur vis aëris ſolvens, ampullam vehementi frigoris gradui exponendo; et ſi aquam ullam contineret, neceſſe eſt ut ſtatim præcipitetur ſub forma guttularum per latera vaſis depluentium.

pore hyemali, ventus eſt in hac regione inſigniter ſiccus. Flante enim per frigidos montes Tèrraſque Europæ continentis nive opertas, tota diffuſa, magna itemque pars diſſolutæ ejus aquæ præcipitatur. In hoc ſtatu noſtris corporibus adhibitus, humidam iſtam atmoſphæram, nobis circumfuſam et à perſpiratione ortam, extemplò diſſolvit. Hæc ſolutio frigus haud aſpernendum gignit, et quoniam perficitur quamdiu emanat Perſpiratio et Ventus perflat; algor per ſingula temporis puncta ſenſim augetur, uſque dum omnes ferè capillares arteriæ per ſuperficiem corporis errantes contrahantur. Liquor vero Thermometri in aëre hoc arido minimè ſubſidit pro ratione noſtri frigoris ſenſus. Homines Valetudinarii, quamvis in cubiculo et ante focum ſedentes, tamen vento ab orientè excitato ſenſibiliter afficiuntur; neque ullo modo poteſt actio ejus omnino præcaveri.

Aër ſiccus in Pulmones inſpiratus, Vapores aquoſos Bronchiorum ſtatim diſſolvit, ibique etiam idem frigus ac in ſuperficie corporis concitat. Ex hac cauſa oritur Tuſſis, et inflammatio membranæ mucoſæ internè Pulmones inveſtientis. Inſpiratio aridi hujus aëris, alio quoque modo Pulmones inflammatione afficere poteſt; nempe mucum exſiccando, et inde membranam teneram Bronchiorum Frigori ſtimulanti exponendo. Homines qui erectâ et concitatâ voce diu publicè concionantur, ſimili ſtrictioni et inflammationi obnoxii ſunt.

De Aere per angustas rimas in corpus agente.

Totum corpus minori periculo quam ſingulæ ejus partes aëri frigido objici poteſt. Nam ſyſtema univerſum æquabiliter conſtringetur, ſenſibilitas et irritabilitas minuentur, et hoc modo Frigus ipſum contra vim ſuam aliquatenus præmunit, remediumque quoddam ſecum adfert. Sed ubi pars tantum Corporis Frigori exponitur omnes arteriæ minimæ, ſympathiâ quadam, conſtrictionem patientur; dum ſenſibilitas et irritibilitas in eodem ſtatu ſine aliqua diminutione reſtant. Ill. Van Swietenus hac de cauſa benè obſervavit, aërem frigidum in corpus nudatum actum per anguſtas rimas omnium maximè nocere.*

De Potione Frigidæ corpore labore sudante.

Plurima et triſtia obſervata in Hiſtoria Medicinæ nobis demonſtrant, multos lethales morbos, immo mortem ſubitam ipſam ſecutam fuiſſe, dum corpore æſtuante gelidam biberent homines.† Cauſa autem tanti periculi à frigidæ potione ſatis clarè patebit, ſi

* Vid. Van Swiet. Comm. vol. iii. §. 881.

† Vid. Van Swiet. Comment. vol. ii. p. 214. Celſus de Medic. lib. i. cap. 3, &c.

imprimis conſideretur quod Aſpera Arteria, Pulmones, Septum Medium, aliæ quoque partes ipſi Gulæ vicinæ, dum liquor tranſit per Œſophagum, algore magnoperè afficiantur. Deinde quum in Ventriculum defertur, ſuam actionem per totum corpus extendit. Viſcus enim hoc maxima præditum eſt irritabilitate; adeo ut nullam ferè impreſſionem ſentiat, quæ non extemplò propagetur, miro quodam conſenſu, ad partes etiam totius ſyſtematis maximè remotas.

Sed Ventriculus et ſuperficies corporis ſympathiâ peculiari et præ ceteris validiore inter ſe videntur eſſe nexi. Initio ipſo omnium fermè Febrium, Horripilatio ſemper adeſt; eodemque tempore ſtomachus nauſea et vomitione concitatur. Sydenhamus, Hippocrates noſter Anglicanus, hanc ſympathiam notavit in Peſte præcipuè pollere. Ægroti violentis continuiſque Vomitibus vexabantur, quos nec potiones ſoporiferæ, nec ulla alia Medicamenta potuerunt ſedare. Nil fuit levaminis niſi ægrum ponendo in calido lecto, et eo modo ſanguinis circuitum ad corporis exteriora determinando. Si frigida itaque hauriatur, corpore caleſcente, ventriculus gelido liquore diſtentus, non ſolum adjacenti Diaphragmati, Hepati, Lieni, &c. ſubitum et inſolitum frigus communicabit, ſed impreſſionem ad omnes fere partes corporis, præcipue ad ejus ſuperficiem propagabit. Quam vero periculoſi, quam lethales effectus ſequi poſſint, multis triſtiſſimisque exemplis ſatis planè demonſtratur.

SECTIO QUARTA.

1. ARTERIÆ capillares in corporis ſuperficie frigore contrahuntur; et hinc ſi cauſæ prædiſponentes adſint, multi et diverſi morbi naſcuntur.

2. Frigus, in debilibus ſaltem, prohibet Perſpirationem: Hicce autem effectus per ſe ſpectatus, cauſa morborum minimè æſtimandus eſt. Medici quidem de natura putrida Perſpirabilis materiæ, et de vitiis fluidorum ab ejus retentione natis fuſiſſimè ſcripſerunt. Sed hic, ni fallor, in errore magno verſantur. Materiê enim tranſpirationis ſatis benè notâ, quærere vellem quænam pars ejus ſanitatem corporis tantopere lædere poſſit? Aër, Aqua, Oleum Eſſentiale, et forſitan parva portio Lymphæ, Sanctorianæ exhalationis elementa propria ſunt. Si aliquid etiam Volatile, corpori extraneum, viribusque noſtris non ſubigendum, in ſanguinem recipitur, ſicut Alkali Volatile, Alcohol, Olea Eſſentialia Vegetabilium, &c. per tranſpirationem auferetur. Sed neque hæc extranea, nec propria perſpirabilis materiæ elementa, putrida ſunt æſtimanda. Minimè autem nego, Perſpirationem in Aëre aprico brevi tempore corrumpi; perinde ac omnes fere Vapores qui Mucilaginem continent. At nequaquam ex hoc licet

nobis deducere tranſpirationem noſtram eſſe putridam cùm primum à corpore diſſlatur. Gummi Arabici ſolutio dicitur Vaporem corruptioni valde obnoxium emittere.

Exhalationes à locis paluſtribus et uliginoſis, primâ licet elevatione minimè ſint putridæ, tamen ex copia mucilaginis vegetabilium quam continent, citò in aëre calido corrumpuntur.* Perſpiratio igitur in corpore ſano ſuppreſſa nequaquam ut ſepticum humorum fermentum putanda eſt. Nec multum infert periculi, meâ quidem ſententiâ, diminutio hujus exhalationis ſi aliæ morbi cauſæ abſint: facillimè enim per Alvum, per Urinam, vel alia Organa excretoria poſſit exire. Gradus Perſpirationis in hominibus etiam ſaniſſimis quotidie penè variatur; adeo ut nunc ad duplicem triplicemve minuatur partem, ſine ulla ſanitatis injuria; deinde pro eadem ratione, nullâ factâ ad meliorem valetudinem acceſſionê, augetur.† Tempore hyberno exhalatio per cutem magnoperè decreſcit; nullo alio effectu interim comitante niſi aucta per renes ſecretio.‡ Quibus Perſpiratio Sanctoriana maxima ex parte ſupprimitur, ii hac tamen de cauſa in Febres Intermittentes vix fiunt procliviores.‖ Perſpiratio autem et Urina, ab

* Vid. Duhamel, Phyſ. des Arbr. T. I. p. 144.

† Vid. Exp. Stat. D. Home, G. Rye, Lining, Robinson, Keil, &c.

‡ Vid. Senac de Febre Intermittente.

‖ Vid. Van Swiet. Comment. §. 586; et Diſſert. Med. Inaug. Cl. Juv. Ant. Fothergill.

experimentis Cl. B. Robinson, plane apparent inter ſe reſpondére, adeo ut unius augmentum alterius diminutionem fere ſemper compenſet. Senes ex cute dura et copia parva vaſorum exhalantium, pauxillulum perſpirant; ſed nequaquam ea de cauſa obſervantur in morbos incidere. Inter antiquos maxime valuit mos, et hodie etiam valet inter multas Africæ Gentes, oblinendi totum corpus oleo. Hæc autem conſuetudo neque olim inferebat, neque nunc infert ullum corpori incommodum; quamvis *Africani* tam universè ſe ipſos perungant, ut ne unum Vaſis oſculum liberum ad exhalandum ſuperſit.* Majores noſtri, antiqui Britanni, nullâ cum noxâ variis pigmentis nuda ſua corpora inficiebant. Et Ill. Fran. Baconus, patriæ ſuæ decus et ornamentum, à diminutione Perſpirationis vitæ productionem ſperavit. Hallerus affirmat Perſpirabile ſuppreſſum non ſibi ipſi ſignum eſſe morbi. Plane apparet, à Diariis Perſpirationis, Gravedines et Catarrhos ſæpe homines invaſiſſe, dum hæc excretio integra remanſit; et è contrario diminutionem Perſpirationis non ſemper hos morbos afferre.†

Contractio‡ autem minimarum arteriarum à frigore orta, multos et diverſos Morbos procul dubio excitat.

* Vid. Halleri Elem. Phyſ. vol. v. p. 83.

† Vid. Arbuthnot on Air, p. 167.

‡ Conſitendum autem eſt, argumentis ſupra allatis minimè obſtantibus, quod omnes excretiones naturales neceſſariæ ſint perfectæ ſanitati; quia aliquid per unamquamque è corpore ejicitur, quod non poteſt tam commodè ullo alio modo diffiari. Et in multis inſuper

At non nobis licet ob brevitatem hujus Diſſertationis unumquemque ſingulatim inveſtigare. In quatuor igitur morbis demonſtrandis, qui præcipuè vi Frigoris concitantur, hoc opus inſumetur. Hi ſunt Febris Intermittens, Catarrhus, Diarrhœa, et Rheumatiſmus.

Febris Intermittens.

Variæ Hypotheſes de cauſa proxima Febris Intermittentis fictæ fuerunt; et hodie etiam quæſtio inter medicos vehementer agitatur. Symptomata autem primi ſtadii Morbi, plane, ut mihi videtur, indicant Arterias Capillares per totum corpus eſſe conſtrictas. Æger expallet, ungues ejus ſæpiſſimè ſunt lividi, et cutis arida rugoſaque apparet. Pulſus eſt debilis, parvus, celer et contractus, et ſi vena ſecatur, ſanguis tardè et guttatim effluit;* quia minor copia ſanguinis tunc temporis per ſuperficiem corporis circumfertur. Ægrotus etiam ſiti laborat, Lingua et Fauces ſunt aridæ, Urina lurida eſt, vel ſine ullo colore,† et ſi

morbis Perſpiratio non ſolum ſupprimitur, ſed eodem quoque tempore minima vaſa renum ſæpe contrahuntur; adeo ut partes ſanguinis redundantes non poſſint urinâ abduci, et ab hac plenitudine corpus certiſſime malè ſe habebit. Nihilominus autem minimè concedimus perſpirationis ſuppreſſionem ſeorſim ſpectatam, cauſam eſſe proximam morborum.

* Vid. Bryan Robinson on the Operation of Med. p. 97.

† Durante primo ſtadio morbi, urina fit magis magiſque pellucida; ſecundo autem accedente, gradatim aſſumit rubellum colorem. Tandem vero cum tertium incipit ſtadium, deponit ſedimentum lateritium.

Ulera in ejus Corpore ſint, ſicca et pallida fiunt: Reſpiratio difficillima eſt, et anxietas circa præcordia, cum ſenſu ponderis cujuſdam, à diſtenſione Vaſorum magnorum prope cor oriente, fere ſemper percipitur.* Omnia hæc enumerata ſymptomata contractionem arteriarum minimarum planè indicant. Eſt autem confitendum quod in primo morbi ſtadio alia ſint ſymptomata, quæ cauſam proximam Febris Intermittentis demonſtrant non ſolum à ſpaſmo pendere. Nam oſcitatio, languor, dolor dorſi, et ſenſatio quædam, haud verbis deſcribenda, in digitorum extremitatibus, à turbata actione, ni fallor, Virium Vitalium, originem manifeſtè ducunt. Omnino itaque veriſimile videtur, quamdam generis Nervoſi affectionem, ſpaſmodicæ Capillarium conſtrictioni junctam, cauſam hujus Morbi proximam conſtituere. Nimia corporis Mobilitas, vel ab acuta magis ſenſibilitate, vel debilitate, vel epidemica anni conſtitutione, vel alio quocunque modo orta, cauſa agnoſcitur prædiſponens. *Frigus*, miaſma, contagium animique affectus ſunt cauſæ remotæ. Hic autem morbus, multò frequentius à *Frigore*, quam ab ulla alia origine naſcitur. Nam in locis humidis et uliginoſis, ſicut in Hollandia, Flandria, Paludibus Lincolnienſibus, endemicè graſſari conſuevit. Sæpiſſimè etiam

* In Febre Intermittente ſemper adeſt ſenſatio Frigoris; hæc etiam à conſtrictione capillarium arteriarum veriſimillimè oritur. Nam omnia quæ vaſa ſubcutanea contrahunt, uti frigus externum, cibus quem abhorret noſtra natura vel ejus Idea, hanc excitant ſenſationem.——Vid. Home, Princ. Med. p. 72.

à Frigore ſubito corpori applicato, à Ventis humidis et frigidis, Aëre aquoſis particulis repleto, vel Veſtitu humido excitatur.

Catarrhus.

Hic morbus ab inflammatione membranæ mucoſæ, Nares, Fauces, Aſperam Arteriam, et Pulmones inveſtientis provenit; et frigus cuique corporis parti, Faciei præcipuæ Colloque admotum, cauſa ejus remota fere ſemper habetur. Frigus autem, ex vi ejus aucta vel imminuta Corporiſque ſenſibilitate et irritabilitate, vel Catarrhum, vel Diarrhœam, vel Febrem denique concitabit. Incolæ Regionum Auſtralium, qui nimia Corporis mobilitate plerumque ſunt præditi, parvi levique Frigoris acceſſione Febre corripiuntur: e contrario autem in Terris Septentrionalibus, Catarrhi multo ſæpius invadunt.

Hic morbus in corporibus robuſtis, ab inflammatione membranæ mucoſæ incipit; et copioſa muci excretione ut plurimum terminatur. Sed in hominibus laxis et debilibus, excretio primum augetur et paulo poſt, à ſtimulo muci acris, inflammatio oritur. Infarctio Pulmonum Nariumque, et humoris tenuis et aquoſi deſtillatio, à circuitu ſanguinis in his partibus adaucto, ſat benè explicentur; neque ad acrimoniam fictam à ſuppreſſa perſpiratione ortam, confugere opus eſt.

Diarrhœa.

Materies putrida vel Aciditates Primas Vias infestantes, Medicamenta purgantia nimis frequenter assumpta, vel alia quæcumque res Intestina ad frequentes stimulans dejectiones, Diarrhœam concitabit. Hæ autem causæ brevi tempore evanescunt, et morbus fere semper cessat, stimulo evacuato ex quo originem traxit. At quum Diarrhœa à Frigore nascitur, diuturnior est utplurimum, et symptomata etiam graviora fiunt, adeo ut non raro in *Dysenteriam* abeat. Distensio vasorum minimorum membranæ Intestinorum internæ, atque aucta ab arteriis exhalantibus excretio, hujus morbi causa videtur esse proxima. Spasmodica capillarium constrictio in corporis superficie, evacuationes magnæ, putrida materies primas vias occupans, tristes animi affectiones, &c. causæ sunt prædisponentes; et frigus causa remota ut plurimum agnoscitur.

Hæ vero causæ in firma corporis constitutione concurrentes, præsertim si bruma vel primum ver adest, dysenteriam confestim inducent. Sanguine enim, auctâ copiâ, in vasa minima intestinorum validissimè impulso, vasisque summis viribus contra renitentibus, dolor vehemens, eamque ob causam inflammatio quoque nascitur. Sin autem Ægri habitus sit debilis et laxus, vel si tempus autumnale adest, vasorum renixus omnino imbecillus erit, et copiosa muci excretio extemplò sequitur. Sed ab

hac etiam excretione, diutius permanente, inflammatio certiſſime orietur. Ex defectu enim ſtagnationis in ſuis folliculis, mucus nimis ſit acris et liquidus, adeoque ipſam membranam irritat, quam ab aliis ſtimulis defendere debet.

Rheumatismus.

Frigus, procatarcticam Rheumatiſmi cauſam eſſe, nemo ferè ignorat; de proxima autem cauſa varias opiniones Medici amplectuntur. A contractione Vaſorum partis affectæ minutorum, ut mihi videtur, oriri veriſimillimum eſt. Omnia morbi ſymptomata ex hac hypotheſi explicatu facilia ſunt. Pallor et contractio partis dolentis vaſa ſolito minus plena eſſe oſtendunt. Dolor, nixum quendam ad diſtenſionem indicat, qui calore et exercitatione augetur propterea quod eo modo Arteriæ magnæ impetu agunt majori, quo impetu ſanguis in Capillaria conſtricta fortius impellitur. Muſculorum rigiditas, torporque in Membro Rheumatico, ſpaſmodici affectus quoque ſigna ſunt. Circulatio enim obſtructa vim minuit muscularem, ut in operatione, Aneuriſmatis cauſa inſtituta, quum Bracchii Arteria circumligatur, cernere eſt. Primo enim Muſculi magna ex parte agere ceſſant, uſquedum ſanguis meatum novum invenerit. Dolor etiam ex una ad alteram partem corporis tranſiens ſpaſmodicam ſyſtematis vaſcularis affectionem demonſtrat. Omnino manifeſtum eſt hanc non poſſe

deduci ex metaſtaſi acris illius ſeri, aut materiæ ſalinæ quam nonnulli proximam Rheumatiſmi cauſam eſſe autumant; quoniam ſi carpus uterque viciſſim afficiatur, alterius dolor non ſemper ceſſat Rheumatiſmo alterum adoriente. Præterea quum hæc acrimonia via ſolummodo circulationis deferri poſſit; eam per totum corpus diffuſam, peculiarem quandam partem occupare maxime mirandum foret. Hoc etiam neceſſariò tardum eſſet, ſi modò fieri poſſet, qod experientiæ repugnat; nam dolores rheumatici ſedes ſuas citiſſime ut plurimum mutant. Verùm de Rheumatiſmi Theoria plus ſatis diſputatum; mihi tantum incumbit, Frigus inter præcipuas morbi eſſe cauſas argumentis probare; et hoc HOFFMANNUS, SYDENHAMUS, PRINGLE, clariſſimique Scriptores Medici fatentur. Experientia quoque demonſtrat dolores Rheumaticos, tempore verno vel autumnali imprimis graſſari cum cœlum maximè mutabile eſt, vel cum Venti contrarii ſibi invicem ſubitò ſuccedunt.

SECTIO QUINTA.

VI Frigoris in Morbis inducendis ſic brevitèr tractatâ, exempla pauca medicinalis ejus uſus ad ſanitatem reſtituendam commemorabimus.

GANGRÆNA.

In frigidiſſimis plagis frequenter evenit, ut ii quorum corpora per longum tempus gelu glacieique expoſita fuerunt, omni ſenſibilitate et movendi facultate priventur. Gangræna primum incipit in partibus extremis, et inde ad cor ſenſim progreditur; et niſi remedium maturè adhibeatur, miſerum cito conficiet, etiam priuſquam Mortificatio fiat.* Incolæ

* Poëta inſignis THOMSON hoc infortunium pathèticè deſcripſit.

" As thus the ſnows ariſe; and foul, and fierce,
" All Winter drives along the darken'd air;
" In his own looſe-revolving fields the ſwain
" Diſaſter'd ſtands; ſees other hills aſcend,
" Of unknown joyleſs brow; and other ſcenes,
" Of horrid proſpect, ſhag the trackleſs plain:
" Nor finds the river, nor the foreſt, hid
" Beneath the formleſs wild; but wanders on
" From hill to dale, ſtill more and more aſtray.
—— " Down he ſinks
" Beneath the ſhelter of the ſhapeleſs drift
" Thinking o'er all the bitterneſs of death,

quoque harum regionum experientia docti, huic Gangrænæ, adhibitâ nive, vel aquâ adeo frigidâ ut ad congelationem prope accedat, feliciſſimè occurri reperierunt. Hoc enim modo pars morbida ad eum caloris gradum qui vitæ neceſſarius eſt ſenſim ſenſimque reſtituitur; et poſtea friction, fomentis et medicamentis cardiacis internè ingeſtis ſenſibilitas movendique facultas priſtinas vires recipere poſſunt. Ad exiſtentiam particularum frigorificarum confugere hic non opus eſt; neque conjectare aquam ſpicula ſalina, quæ cauſa Gangrænæ fuerunt, attrahere. Efficacia Frigidæ Aquæ hinc certe oritur, quod paucis gradibus calorem ſuperet partis cui admovetur, unde paulatim reſtituit quantum vitæ ſufficit facultates animales calorem generantes excitare, et hæ, aliis methodis ſupra memoratis adjutæ, curationem perficiunt. E contrariò autem ſi aqua calida applicetur, rarefactio ſubita inde orta, Vaſa tenera partis affectæ corrumpet et mortificatio citò ſequetur; quemadmodum Pomum gelidum inſipidum, pulpoſum, et putridum fit ſi ſubitò regeletur. Particulæ glaciales in aqua poſt immerſum membrum frigore

" Mix'd with the tender anguiſh Nature ſhoots
" Through the wrung boſom of the dying man,
" His wife, his children, and his friends unſeen.
—— " On every nerve
" The deadly Winter ſeizes; ſhuts up ſenſe;
" And o'er his inmoſt vitals creeping cold,
" Lays him along the ſnows a ſtiffen'd corſe!
" Stretch'd out, and bleaching in the northern blaſt."

Poem on the Winter, line 276.

gangrænatum fluitantes, à communibus congelationis principiis deduci poſſint; quippe quod aqua ad punctum gelationis reducta illicò congelatur.

Febres.

Aquæ frigidæ uſus Antiquis ipſis innotuit. Galenus ejus potationem ad ſatietatem uſque ſuaſit. Ab Hippocrate, Celso, et Rhaze commendata fuit. Celsus in Proœmio ſuo exemplum Medici adducit qui frigidam aquam Febricitanti exhibuit, eoque modo ſitim levavit, ſomnum altum induxit, tandemque ſudore morbum expulſit. Hoffmannus Heroicum et magnæ efficaciæ remedium hoc in morbo nominat. Nec tamen temerè, omni tempore aut in omnibus morbi ſtatibus adminiſtranda eſt. "Bibiturus itaque frigidam aquam, non ante "id facere poteſt, quam ipſa Febris, concocto "humore evacuationeque idonea, ad ſtatum ac- "ceſſerit ſuum: jamque ipſe homo maximis af- "fectus caloribus, ſummaque ſiti, die judicatorio, "ſummum Febricitationis impetum experitur."* Hoffmannus dicit: "Heic igitur monuiſſe ſufficiat, "nunquam ſimul et ſemel magnis hauſtibus præ- "bendum eſſe frigidum potum, ſed ſucceſſivè et "crebro; nunquam in principio morbi, ſed elapſis "jam aliquot diebus; nunquam tempore acceſſionis

* Vid. Lommii de Curand. Febrib. cap. iii. ſect. 2, p. 206.

" vel exacerbationis vel etiam ſub rigore et pulſu " parvo aut intermittente; nunquam niſi plethora " prius ſoluta. Sed quando extrema calida, pulſus " equalis, celer et magnus."* Aqua frigida his cautelis adminiſtrata, maxima ſæpè commoda affert. Spaſmum enim vaſorum Capillarium ſolvit, ſudorem mitem ægroto commovet, Febremque omnino tollit.

Balneum Frigidum.

Inter leges œconomiæ animalis hæc una præcipua eſſe videtur, quod toto ſyſtemate vel quavis ejus parte irritatione aut dolore affecto motrices facultates concitari debeant, ut nocivæ cauſæ reſiſtant ſimulque eam repellant. Sic Cauſtico teneræ cuivis corporis parti admoto, dolor à ſtimulo ejus ortus, violentiorem iſtius partis vaſorum actionem ſtatim parit, quo tantus humorum fluxus eo deducitur, ut acrimoniam Cauſtici diluat, ejuſque vim aut minuat aut omnino auferat. Pulvis aut quidvis aliud Oculo illatus, eam lachrymarum ſecretionem motumque convulſivum Palpebræ concitat, quæ cauſam nocivam exprimere valeat. Itidem Corpore in aquam frigidam ſubitò immerſo, Cutis ſenſibilis ingrato more afficitur, Capillaria omnia per ejus ſuperficiem ſparſa contrahuntur, ſanguiſque in Cor et Vaſa majora violenter impellitur. Verum poſt immerſionem (ſi breviſſimæ

* Hoffman Med. Rar. Syſt. vol. iv. p. 356.

tantum durationis fuerit) Facultates motrices ad conſtrictionem amovendam cientur, Cor et Arteriæ adauctis viribus contrahuntur, ſanguiſque ad corporis ſuperficiem rejicitur. Sin autem æger nimis diu in gelida unda perluitur, tum vitæ vires debilitantur, ſpaſmuſque vel capillarium contractio continuata ſuccedit. Ex obſervatis ſupra dictis felices Balnei Frigidi effectus ſunt explicandi. Vim nervoſam per omnes corporis partes magnoperè auget, fibras motrices exercet roboratque, unde Functiones omnes animales rectiſſimè perficiuntur. Innumera ſunt testimonia quæ ex ſcriptoribus antiquis æquè ac hodiernis in laudem Balnei Frigidi adduci poſſint. Antonius Musa, Imperatoris Augusti Medicus, uſum ejus adeò commendavit, ut hoc remedium omnibus ferè Romanis familiarè eſſet. Et Horatius ait,

—— ‘ Sane Myrteta relinqui
“ Dictaque ceſſantem Nervis elidere Morbum
“ Sulfura contemni, Vicus gemit; invidus Ægris
“ Qui Caput et Stomachum ſupponere fontibus audent,
“ Cluſinis, Gabioſque petunt, et Frigida Rura.”
Hor. Ep. xv. ad Valam.

In Ventriculo, primiſque viis infirmis uſus ejus ab Hoffmanno* maximè laudatur; Celsusque in Paralyticis, Hypochondriacis, et Hyſtericis Morbis ad Frigidum Balneum confugere monet.† Nuſquam verò quam in Rheumatiſmo chronici generis utilius eſt, quia ſyſtema firmat, irritabilitatem imminuit, et

* Vid. Opuſc. Med. Pract. p. 204.

† Celsus, lib. iv. cap. 5.

vaſorum minutorum conſtrictionem recludit. In multis morbis quibus obnoxii ſunt Parvuli, in Rachitide præcipue, valde inſignes ſunt ejus effectus. Debilitas univerſa Solidorum Vivorum in hoc morbo imbecillitas, Perioſtei et Cartilaginum vaſa Materiei Oſſeæ deponendæ inepta reddunt. Corpore igitur roborato, vaſiſque ad debitum tonum Balnei frigidi ope reſtitutis, morbi cauſa omnino tolletur. Lavatio in *Aqua marina* noſtros apud medicos admodum celebratur. Et quum aquæ Oceani multo ſale amaro Glauberi imprægnentur, quod vim habet, exterius adhibitum validè aſtrictoriam, corpus ſine dubio robuſtius reddunt. Æger etiam in marina lavatione frigori minus obnoxius eſt; 1°. Quia aqua ſalſa cutis ſenſibilitatem paululum hebetat. 2°. Non tamen cito ex ſuperficie corporis evaporatur quam aqua dulcis et inſulſa. 3°. Salium ſtimulus, quendam forſan calorem in cute poſſit excitare. Aqua vero fontana frigiditate ſalſam utplurimum excedit, quapropter ubi actio frigoris Medicinalis ſolummodo requiritur, ſemper eſt anteponenda.

Tandem L. B. munus Academiæ hujus legibus mihi præſcriptum abſolvi, tuæque indulgentiæ conamen hoc primum trado, omni illâ ſolicitudinê atque diffidentiâ quæ ſcriptorem juvenem in tali re circumſiſtere ſolet. Si ſtudia in quibus per multos annos verſatus fui, me magis vacare ſiviſſent, Diſſertatio hæc forſan lectu dignior fuiſſet: Mihi autem perſuaſum eſt, nullum neque tempus neque limæ meæ laborem hoc effecturum fuiſſe, ut mihi omninò arridere poſſet.

Argumentum quod ſuſcepi tantam habet amplitudinem totque partes complectitur, ut opus meum Epitome potius quam Tractatus Philoſophicus aut Medicus videatur. Theſes autem Academicæ intra limites tam arctos coërcentur, ut carptim breviterque ſingula perſtringere coactus ſim. Curriculo ſtudiorum expleto, quum maturior ætas ingenium magis excoluerit, erit mihi et majus otium et facultas de hoc argumento differendi. Interea ſpero, Lectorem candidum, Errores vel ſermonis vel judicii qui in hoc Tentamine obſervari poſſint, benevolè condonaturum eſſe.

" Sunt delicta tamen, quibus ignoviſſe velimus:
" Nam neque chorda ſonum reddit quem vult manus ac mens;
" Nec ſemper fieret quodcunque minabitur arcus.
. . . . . " Non ego paucis
" Offendar maculis, quas aut incuria fudit,
" Aut humana parum cavit natura."

HOR. Ars Poët.

MEDICAL ETHICS;

OR, A CODE OF

Institutes and Precepts,

ADAPTED TO THE

PROFESSIONAL CONDUCT

OF

PHYSICIANS AND SURGEONS:

I. In Hoſpital Practice.
II. In Private or General Practice.
III. In relation to Apothecaries.
IV. In Caſes which may require a Knowledge of Law.

To which is added,

An Appendix;

CONTAINING A

DISCOURSE ON HOSPITAL DUTIES;

ALSO,

NOTES AND ILLUSTRATIONS.

BY

THOMAS PERCIVAL, M.D.

F.R.S. AND A.S. LOND. F.R.S. AND R.M.S. EDINB. &c. &c.

NULLA ENIM VITÆ PARS, NEQUE PUBLICIS, NEQUE PRIVATIS, NEQUE FORENSIBUS, NEQUE DOMESTICIS IN REBUS, NEQUE SI TECUM AGAS QUID, NEQUE SI CUM ALTERO CONTRAHAS, VACARE OFFICIO POTEST: IN EOQUE COLENDO SITA VITÆ EST HONESTAS OMNIS, ET IN NEGLIGENDO TURPITUDO.

CIC. DE OFF. Lib. I. Cap. II.

TO

SIR GEORGE BAKER, BART.

PHYSICIAN TO THEIR MAJESTIES;

FELLOW OF THE ROYAL SOCIETY;

AND

LATE PRESIDENT OF THE COLLEGE OF PHYSICIANS;

&c. &c.

THIS CODE OF

PROFESSIONAL ETHICS;

WHICH HE HAS

HONOURED WITH HIS SANCTION,

AND IMPROVED BY HIS COMMUNICATIONS,

IS GRATEFULLY AND RESPECTFULLY

INSCRIBED,

BY HIS

OBLIGED AND AFFECTIONATE FRIEND,

THE AUTHOR.

TO

E. C. PERCIVAL.

PERMIT me, my dear ſon, to offer to your acceptance this little Manual of MEDICAL ETHICS. In the compoſition of it, my thoughts were directed towards your late excellent Brother, with the tendereſt impulſe of paternal love: and not a ſingle moral rule was framed without a ſecret view to his deſignation; and an anxious wiſh that it might influence his future conduct.

To you, who poſſeſs, in no inferior degree, my eſteem and attachment; who are proſecuting the ſame ſtudies, and with the ſame object; my ſolicitudes are naturally transferred. And I am perſuaded, theſe united conſiderations will powerfully and permanently operate upon your ingenuous mind.

It is the characteriſtic of a wiſe man to act on determinate principles; and of a good man to be aſſured that they are conformable to rectitude and virtue. The relations in which a phyſician ſtands to his patients, to his brethren, and to the public, are complicated and multifarious; involving much knowledge of human nature, and extenſive moral duties. The ſtudy of profeſſional Ethics, therefore, cannot

fail to invigorate and enlarge the underſtanding; whilſt the obſervance of the duties which they enjoin, will ſoften your manners, expand your affections, and form you to that propriety and dignity of conduct, which are eſſential to the character of a GENTLEMAN. The academical advantages you have enjoyed at Cambridge, and thoſe you now poſſeſs in Edinburgh, will qualify you, I truſt, for an ample and honourable ſphere of action. And I devoutly pray, that the bleſſing of GOD may attend all your purſuits; rendering them at once ſubſervient to your own felicity, and the good of your fellow-creatures.

Senſible that I begin to experience the preſſure of advancing years, I regard the preſent publication as the concluſion, in this way, of my profeſſional labours. I may, therefore, without impropriety, claim the privilege of conſecrating them to you, as a paternal legacy. And I feel cordial ſatisfaction in the occaſion, of thus teſtifying the eſteem and tenderneſs with which, whilſt life ſubſiſts, I ſhall remain,

Your affectionate friend,

THOMAS PERCIVAL.

Manchester, Feb. 20, 1803.

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PREFACE.

THE firſt chapter of the following work was compoſed in the ſpring of 1792, at the requeſt of the phyſicians and ſurgeons of the Mancheſter Infirmary: and the ſubſtance of it conſtitutes the code of laws, by which the practice of that comprehenſive inſtitution is now governed.* The author was afterwards induced, by an earneſt deſire to promote the honour and advancement of his profeſſion, to enlarge the plan of his undertaking, and to frame a general ſyſtem of MEDICAL ETHICS; that the official conduct and mutual intercourſe of the faculty might be regulated by preciſe and acknowledged principles of urbanity and rectitude. Printed copies of the ſcheme were, therefore, diſtributed amongſt his numerous correſpondents; by moſt of whom it was warmly encouraged; and by many of them was honoured with valuable ſuggeſtions for its improvement.†

* See Notes and Illuſtrations, No. I.

† See Notes and Illuſtrations, No. II.

Whilſt the author was thus extending his views, and carrying on his work with ardour, he loſt the ſtrongeſt incentive to its proſecution, by the death of a beloved ſon, who had nearly completed the courſe of his academical education; and whoſe talents, acquirements, and virtues, promiſed to render him an ornament to the healing art. This melancholy event was followed, not many years afterwards, by a ſecond family loſs, equally afflictive; and the deſign has ever ſince been wholly ſuſpended. The author now reſumes it, animated by the hope that it may prove beneficial to another ſon, who has lately exchanged the purſuits of general ſcience at Cambridge, for the ſtudy of medicine at Edinburgh. He feels at the ſame time impreſſed with the conviction, that the langour of ſorrow becomes culpable, when it obſtructs the offices of an active vocation. "I hold every man," ſays Lord Bacon, in the preface to his Elements of the Common Laws of England, "a debtor to his profeſſion; from the which as "men of courſe do ſeek to receive countenance and "profit, ſo ought they of duty to endeavour themſelves, by way of amends, to be a help and ornament thereunto. This is performed, in ſome "degree, by the honeſt and liberal practice of a "profeſſion; when men ſhall carry a reſpect not to "deſcend into any courſe that is corrupt and unworthy thereof, and preſerve themſelves free from the "abuſes wherewith the ſame profeſſion is noted to "be infected: but much more is this performed, if

" a man be able to viſit and ſtrengthen the roots and " foundation of the ſcience itſelf; thereby not only " gracing it in reputation and dignity, but alſo " amplifying it in profeſſion and ſubſtance."

It was the author's original intention to have treated of the POWERS, PRIVILEGES, HONOURS, and EMOLUMENTS of the FACULTY; but he now conceives, that this would lead him into a field of inveſtigation too wide and digreſſive; and therefore chooſes to confine himſelf to what more ſtrictly belongs to Medical Ethics.

To theſe inſtitutes he has annexed an Anniverſary Diſcourſe, delivered by the late Rev. Thomas Baſnett Percival, LL. B. before the preſident and governors of the Infirmary at Liverpool. As it is an addreſs to the gentlemen of the faculty, the officers, the clergy, and the truſtees of the charity, on their reſpective hoſpital duties, by one competent to the ſubject from his early ſtudies, it cannot but be deemed ſufficiently appropriate to the preſent work, excluſively of a father's claim to the privilege of its inſertion.

The aphoriſtic form of this code of Medical Ethics, though adapted to ſuch an undertaking, forbids, in a great meaſure, all digreſſion; and even precludes the diſcuſſion of many intereſting points, nearly connected with the ſubject. SUPPLEMENTARY NOTES AND ILLUSTRATIONS, therefore, are neceſſary to the completion of the author's plan: and he truſts the candid reader will grant him the

liberty of thus ſtating his opinions more at large; of rectifying miſconceptions, to which the brevity eſſential to the work may give riſe; and of correcting whatever ſubſequent reflection, or the judicious obſervations of his friends, may diſcover to be erroneous.

A conſiderable portion of theſe ſheets was communicated to the Rev. THOMAS GISBORNE, M. A. whilſt engaged in the compoſition of his ENQUIRY into the DUTIES of MEN; a work that reflects the higheſt honour on the abilities and philanthropy of the author; and which may be juſtly regarded as the moſt complete ſyſtem extant of PRACTICAL ETHICS. The chapter concerning phyſicians contains a reference to theſe inſtitutes, expreſſed in the moſt gratifying terms of friendſhip; and it treats ſo largely of the duties of the faculty, as to ſeem, at firſt view, to ſuperſede the uſe of the preſent manual. But the two publications differ not only in their plan, but in many of their leading objects; and it may be hoped they will rather illuſtrate than interfere with each other. The ſame remarks may be applied to the excellent lectures of Dr. Gregory. Even the STATUTA MORALIA of the college of phyſicians, whatever merit or authority they poſſeſs, are not ſufficiently comprehenſive for the exiſting ſphere of medical and chirurgical duty; and by the few regulations which they eſtabliſh, they tacitly ſanction the recommendation of a fuller and more adequate code of profeſſional offices.

Copies of the former unfiniſhed impreſſion of this work have been tranſmitted to the libraries of ſeveral Infirmaries, in different parts of the kingdom; and the author has reaſon to hope, that they have contributed to excite attention to the ſubject of hoſpital police. Amongſt other pleaſing proofs of this truth, he refers with peculiar ſatisfaction to the late publications of his friends, Sir G. O. Paul, bart. and Dr. Clark, of Newcaſtle-upon-Tyne.

This work was originally entitled, "MEDICAL JURISPRUDENCE;" but ſome correſpondents of reſpectable judgment having objected to the term Juriſprudence, it has been changed to ETHICS. According to the definition of Juſtinian, however, Juriſprudence may be underſtood to include moral injunctions as well as poſitive ordinances.* *Juris præcepta ſunt hæc—honeſtè vivere, alterum non lædere, ſuum cuique tribuere.*—INST. JUSTIN. lib. i. p. 3.

Mancheſter, Feb. 15, 1803.

* The commands of the law are these—to live honeſtly, not to invade another's rights, and to give every man his

—— QUICQUID DIGNUM SAPIENTE BONOQUE EST.

HOR. Lib. I. Ep. IV.

MEDICAL ETHICS;

OR,

A CODE OF INSTITUTES AND PRECEPTS,

ADAPTED TO THE

PROFESSIONAL CONDUCT

OF

PHYSICIANS AND SURGEONS.

CHAPTER I.

OF PROFESSIONAL CONDUCT, RELATIVE TO HOSPITALS, OR OTHER MEDICAL CHARITIES.

I. HOSPITAL PHYSICIANS and SURGEONS ſhould miniſter to the ſick, with due impreſſions of the importance of their office; reflecting, that the eaſe, the health, and the lives of thoſe committed to their charge depend on their skill, attention, and fidelity. They should study, alſo, in their deportment ſo to unite *tenderneſs* with *ſteadineſs*, and *condescension* with *authority*, as to inſpire the minds of their patients with gratitude, reſpect, and confidence.

II. The *choice* of a *phyſician*, or *ſurgeon*, cannot be allowed to hospital patients, consistently with the regular and eſtabliſhed ſucceſſion of medical attendance. Yet perſonal confidence is not leſs important to the comfort and relief of the ſick poor, than of the rich under ſimilar circumſtances: and it would be equally juſt and humane, to enquire into and to indulge their partialities, by occaſionally calling into conſultation the favourite practitioner. The rectitude and wisdom of this conduct will be still more apparent, when it is recollected that patients in hoſpitals not unfrequently request their diſcharge, on a deceitful plea of having received relief; and afterwards procure another recommendation, that they may be admitted under the phyſician or ſurgeon of their choice. Such practices involve in them a degree of falſehood; produce unneceſſary trouble; and may be the occaſion of irreparable loſs of time in the treatment of diseases.

III. The *feelings* and *emotions* of the patients, under critical circumstances, require to be known and to be attended to, no less than the ſymptoms of their diſeaſes. Thus extreme *timidity* with reſpect to venæſection contra-indicates its uſe in certain caſes and conſtitutions. Even the *prejudices* of the ſick are not to be contemned, or oppoſed with harſhneſs: for though ſilenced by authority, they will operate ſecretly and forcibly on the mind, creating fear, anxiety, and watchfulneſs.

IV. As miſapprehenſion may magnify real evils, or create imaginary ones, no *diſcuſſion* concerning the

nature of the caſe ſhould be entered into before the patients, either with the houſe ſurgeon, the pupils of the hoſpitals, or any medical viſitor.

V. In the large wards of an Infirmary, the patients should be interrogated concerning their complaints in a *tone* of *voice* which cannot be *overheard*. *Secrecy*, alſo, when required by peculiar circumstances, ſhould be ſtrictly obſerved. And females ſhould always be treated with the moſt ſcrupulous *delicacy*. To neglect or to ſport with their feelings is cruelty; and every wound thus inflicted tends to produce a callouſneſs of mind, a contempt of decorum, and an inſenſibility to modeſty and virtue. Let theſe conſiderations be forcibly and repeatedly urged on the hoſpital pupils.

VI. The *moral* and *religious influence* of ſickneſs is ſo favourable to the beſt intereſts of men and of ſociety, that it is juſtly regarded as an important object in the eſtabliſhment of every hoſpital. The *inſtitutions* for promoting it ſhould, therefore, be encouraged by the phyſicians and ſurgeons, whenever ſeaſonable opportunities occur: and by pointing out theſe to the officiating clergyman, the ſacred offices will be performed with propriety, diſcrimination, and greater certainty of ſucceſs. The character of a phyſician is uſually remote either from ſuperſtition or enthuſiaſm: and the aid which he is now exhorted to give, will tend to their excluſion from the ſick wards of the hoſpital, where their effects have often been known to be not only baneful, but even fatal.

VII. It is one of the circumſtances which ſoftens the lot of the poor, that they are exempt from the ſolicitudes attendant on the diſpoſal of property. Yet there are exceptions to this obſervation: and it may be neceſſary that an hoſpital patient, on the bed of ſickneſs and death, ſhould be reminded, by ſome friendly monitor, of the importance of a *laſt will* and *teſtament* to his wife, children, or relatives, who, otherwiſe, might be deprived of his effects, of his expected prize money, or of ſome future reſiduary legacy. This kind office will be beſt performed by the houſe ſurgeon, whoſe frequent attendance on the ſick diminiſhes their reſerve, and entitles him to their familiar confidence. And he will doubtleſs regard the performance of it as a duty: for whatever is right to be done, and cannot by another be ſo well done, has the full force of moral and perſonal obligation.

VIII. The phyſicians and ſurgeons ſhould not ſuffer themſelves to be reſtrained, by parſimonious conſiderations, from preſcribing *wine*, and *drugs* even of *high price*, when required in diſeaſes of extraordinary malignity and danger. The efficacy of every medicine is proportionate to its purity and goodneſs; and on the degree of theſe properties, *cæteris paribus*, both the cure of the ſick, and the ſpeedineſs of its accompliſhment, muſt depend. But when drugs of inferior quality are employed, it is requiſite to adminiſter them in larger doſes, and to continue the uſe of them a longer period of time; circumſtances, which, probably, more than counterbalance any ſavings in

their original price. If the caſe, however, were far otherwiſe, no œconomy, of a fatal tendency, ought to be admitted into inſtitutions, founded on principles of the pureſt beneficence, and which, in this age and country, when well conducted, can never want contributions adequate to their liberal ſupport.

IX. The medical gentlemen of every charitable inſtitution are, in ſome degree, reſponſible for, and the guardians of, the honour of each other. No phyſician or ſurgeon, therefore, ſhould *reveal* occurrences in the hoſpital, which may injure the reputation of any one of his colleagues; except under the reſtriction contained in the ſucceeding article.

X. No *profeſſional charge* ſhould be made by a phyſician or ſurgeon, either publicly or privately, againſt any aſſociate, without previouſly laying the complaint before the gentlemen of the faculty belonging to the inſtitution, that they may judge concerning the reaſonableneſs of its grounds, aud the meaſures to be adopted.

XI. A proper *diſcrimination* being eſtabliſhed in all hoſpitals between the *medical* and *chirurgical caſes*, it ſhould be faithfully adhered to by the phyſicians and ſurgeons, on the admiſſion of patients.

XII. Whenever caſes occur, attended with circumſtances not heretofore obſerved, or in which the ordinary modes of practice have been attempted without ſucceſs, it is for the public good, and in an eſpecial degree advantageous to the poor, (who, being the moſt numerous claſs of ſociety, are the greateſt

beneficiaries of the healing art,) that *new remedies* and *new methods* of *chirurgical treatment* should be deviſed. But in the accompliſhment of this ſalutary purpoſe, the gentlemen of the faculty ſhould be ſcrupulouſly and conſcientiouſly governed by ſound reaſon, juſt analogy, or well-authenticated facts. And no ſuch trials ſhould be inſtituted, without a previous conſultation of the phyſicians or ſurgeons, according to the nature of the caſe.

XIII. To advance profeſſional improvement, a friendly and unreſerved *intercourse* ſhould ſubſiſt between the gentlemen of the faculty, with a free communication of whatever is extraordinary or intereſting in the courſe of their hoſpital practice; and an *account* of every *caſe* or *operation*, which is rare, curious, or inſtructive, ſhould be drawn up by the phyſician or ſurgeon, to whoſe charge it devolves, and entered in a regiſter kept for the purpoſe, but open only to the phyſicians and ſurgeons of the charity.

XIV. *Hoſpital regiſters* uſually contain only a ſimple report of the number of patients admitted and diſcharged. By adopting a more comprehenſive plan, they might be rendered ſubſervient to medical ſcience, and beneficial to mankind. The following ſketch is offered, with deference, to the gentlemen of the faculty. Let the regiſter conſiſt of three tables; the firſt ſpecifying the number of patients admitted, cured, relieved, diſcharged, or dead; the ſecond, the ſeveral diſeaſes of the patients, with their events; the third, the ſexes, ages, and occupations of the ap-

tients. The ages ſhould be reduced into claſſes; and the tables adapted to the four diviſions of the year. By ſuch an inſtitution, the increaſe or decreaſe of ſickneſs; the attack, progreſs, and ceſſation of epidemicks; the comparative healthineſs of different ſituations, climates, and ſeaſons; the influence of particular trades and manufactures on health and life; with many other curious circumſtances, not more intereſting to phyſicians than to the community; would be aſcertained with ſufficient preciſion.

XV. By the adoption of the *regiſter*, recommended in the foregoing article, phyſicians and ſurgeons would obtain a clearer inſight into the comparative ſucceſs of their hoſpital and private practice, and would be incited to a diligent inveſtigation of the cauſes of ſuch difference. In particular diſeaſes it will be found to ſubſiſt in a very remarkable degree: and the diſcretionary power of the phyſician or ſurgeon, in the admiſſion of patients, could not be exerted with more juſtice or humanity, than in refuſing to conſign to lingering ſuffering, and almoſt certain death, a numerous claſs of patients, inadvertently recommended as objects of theſe charitable inſtitutions. "In judging of diſeaſes with regard to the "propriety of their reception into hoſpitals," ſays "an excellent writer, "the following general cir-"cumſtances are to be conſidered:—

"Whether they be capable of ſpeedy relief; be-"cauſe, as it is the intention of charity to relieve as "great a number as poſſible, a quick change of ob-

"jects is to be wiſhed; and alſo becauſe the inbred "diſeaſe of hoſpitals will almoſt inevitably creep, in "ſome degree, upon one who continues a long time "in them, but will rarely attack one, whoſe ſtay is "ſhort.

"Whether they require in a particular manner "the ſuperintendance of ſkilful perſons, either on ac- "count of their acute and dangerous nature, or any "ſingularity or intricacy attending them, or erro- "neous opinions prevailing among the common "people concerning their treatment.

"Whether they be contagious, or ſubject in a pe- "culiar degree to taint the air, and generate peſti- "lential diſeaſes.

"Whether a freſh and pure air be peculiarly re- "quiſite for their cure, and they be remarkably in- "jured by any vitiation of it."*

XVI. But no precautions relative to the reception of patients, who labour under maladies incapable of relief, contagious in their nature, or liable to be aggravated by confinement in an impure atmoſphere, can obviate the evils ariſing from *cloſe wards*, and the falſe œconomy of crowding a number of perſons into the leaſt poſſible ſpace. There are inbred diſeaſes which it is the duty of the phyſician or ſurgeon to pervent, as far as lies in his power, by a ſtrict and perſevering attention to the whole medical polity of the hoſpital. This comprehends the diſcrimination

* See Dr. Aikin's Thoughts on Hoſpitals, p. 21.

of caſes admiſſible, air, diet, cleanlineſs, and drugs; each of which articles ſhould be ſubjected to a rigid ſcrutiny, at ſtated periods of time.†

XVII. The eſtabliſhment of a *committee* of the *gentlemen* of the *faculty*, to be held monthly, would tend to facilitate this intereſting inveſtigation, and to accompliſh the moſt important objects of it. By the free communication of remarks, various improvements would be ſuggeſted; by the regular diſcuſſion of them, they would be reduced to a definite and conſiſtent form; and by the authority of united ſuffrages, they would have full influence over the governors of the charity. The exertions of individuals, however benevolent or judicious, often give riſe to jealouſy; are oppoſed by thoſe who have not been conſulted; and prove inefficient, by wanting the collective energy of numbers.

XVIII. The harmonious intercourſe which has been recommended to the gentlemen of the faculty, will naturally produce *frequent conſultations*, viz. of the phyſicians on medical caſes, of the ſurgeons on chirurgical caſes, and of both united in caſes of a compound nature, which, falling under the department of each, may admit of elucidation by the reciprocal aid of the two profeſſions.

XIX. In conſultations on medical caſes, the junior phyſician preſent ſhould *deliver* his *opinion* firſt, and the others in the progreſſive order of their ſeniority. The ſame order ſhould be obſerved in chirurgical

† See Notes and Illuſtrations, No. III.

caſes; and a majority ſhould be deciſive in both: but if the numbers be equal, the deciſion ſhould reſt with the phyſician or ſurgeon, under whoſe care the patient is placed. No deciſion, however, ſhould reſtrain the acting practitioner from makiug ſuch variations in the mode of treatment, as future contingences may require, or a farther inſight into the nature of the diſorder may ſhew to be expedient.

XX. In conſultations on mixed caſes, the junior ſurgeon ſhould *deliver* his *opinion* firſt, and his brethren afterwards in ſucceſſion, according to progreſſive ſeniority. The junior phyſician preſent ſhould deliver his opinion after the ſenior ſurgeon; and the other phyſicians in the order above preſcribed.

XXI. In every conſultation, the caſe to be conſidered ſhould be *concifely ſtated* by the phyſician or ſurgeon, who requeſts the aid of his brethren. The opinions relative to it ſhould be delivered with brevity, agreeably to the preceding arrangement, and the deciſions collected in the ſame order. The order of ſeniority, among the phyſicians and ſurgeons, may be regulated by the dates of their reſpective appointments in the hoſpital.

XXII. Due *notice* ſhould be given of a conſultation, and no perſon admitted to it, except the phyſicians and ſurgeons of the hoſpital, and the houſe-ſurgeon, without the unanimous conſent of the gentlemen preſent. If an examination of the patient be previouſly neceſſary, the particular circumſtances of danger or difficulty ſhould be carefully

concealed from him, and every juſt precaution uſed to guard him from anxiety or alarm.

XXIII. No important *operation* ſhould be determined upon, without a conſultation of the phyſicians and ſurgeons, and the acquieſcence of a majority of them. Twenty-four hours notice ſhould be given of the propoſed operation, except in dangerous accidents, or when peculiar circumſtances occur, which may render delay hazardous. The preſence of a *ſpectator* ſhould not be allowed during an operation, without the expreſs permiſſion of the operator. All extra-official interference in the management of it ſhould be forbidden. A decorous *ſilence* ought to be obſerved. It may be humane and ſalutary, however, for one of the attending phyſicians or ſurgeons to ſpeak occaſionally to the patient; to comfort him under his ſufferings; and to give him aſſurance, if conſiſtent with truth, that the operation goes on well, and promiſes a ſpeedy and ſucceſsful termination.*

As a hoſpital is the beſt ſchool for practical ſurgery, it would be liberal and beneficial to invite, in rotation, two ſurgeons of the town, who do not belong to the inſtitution, to be preſent at each operation.

XXIV. Hoſpital conſultations ought not to be held on Sundays, except in caſes of urgent neceſſity;

* The ſubſtance of the five preceding articles (XIX. XX. XXI. XXII. XXIII.) was ſuggeſted by Dr. Ferriar and Mr. Simmons, at the time when I was deſired, by them and my other colleagues, to frame a code of rules for the Mancheſter Infirmary. The additions now made are intended to adapt them to general uſe.

and on ſuch occaſions an hour ſhould be appointed, which does not interfere with attendance on public worſhip.

XXV. It is an eſtabliſhed uſage, in ſome hoſpitals, to have a *ſtated day* in the week for the performance of operations. But this may occaſion improper delay, or equally unjuſtifiable anticipation. When ſeveral operations are to take place in ſucceſſion, one patient ſhould not have his mind agitated by the knowledge of the ſufferings of another. The ſurgeon ſhould change his apron, when beſmeared; and the table or inſtruments ſhould be freed from all marks of blood, and every thing that may excite terror.

XXVI. Dispensaries afford the wideſt ſphere for the treatment of diſeaſes, comprehending not only ſuch as ordinarily occur, but thoſe which are ſo infectious, malignant, and fatal, as to be excluded from admiſſion into Infirmaries. Happily, alſo, they neither tend to counteract that ſpirit of independence, which ſhould be ſedulouſly foſtered in the poor, nor to preclude the practical exerciſe of thoſe relative duties, "the charities of father, ſon, and brother," which conſtitute the ſtrongeſt moral bonds of ſociety. Being inſtitutions leſs ſplendid and expenſive than hoſpitals, they are well adapted to towns of moderate ſize; and might even be eſtabliſhed, without difficulty, in populous country diſtricts. Phyſicians and ſurgeons, in ſuch ſituations, have generally great influence; and it would be truly honourable to exert

it in a cauſe ſubſervient to the intereſts of medical ſcience, of commerce, and of philanthropy.*

The duties which devolve on gentlemen of the faculty, engaged in the conduct of Diſpenſaries, are ſo nearly ſimilar to thoſe of hoſpital phyſicians and ſurgeons, as to be comprehended under the ſame profeſſional and moral rules. But greater *authority* and greater *condeſcenſion* will be found requiſite in domeſtic attendance on the poor. And human nature muſt be intimately ſtudied, to acquire that full aſcendancy over the prejudices, the caprices, and the paſſions of the ſick, and of their relatives, which is eſſential to medical ſucceſs.

XXVII. Hoſpitals, appropriated to particular maladies, are eſtabliſhed in different places, and claim both the patronage and the aid of the gentlemen of the faculty. To an Asylum for Female Patients, labouring under Syphilis, it is to be lamented that diſcouragements have been too often and ſucceſsfully oppoſed. Yet whoever reflects on the variety of diſeaſes to which the human body is incident, will find, that a conſiderable part of them are derived from immoderate paſſions, and vicious indulgences. Sloth, intemperance, and irregular deſires, are the great ſources of thoſe evils, which contract the duration, and embitter the enjoyment, of life. But humanity, whilſt ſhe bewails the vices of mankind, incites us to alleviate the miſeries which flow from them. And it may be proved that a

* See Notes and Illuſtrations, No. IV.

LOCK HOSPITAL is an inſtitution founded on the moſt benevolent principles, conſonant to ſound policy, and favourable to reformation and to virtue. It provides relief for a painful and loathſome diſtemper, which contaminates, in its progreſs, the innocent as well as the guilty, and extends its baneful influence to future generations. It reſtores to virtue and to religion thoſe votaries whom pleaſure has ſeduced, or villainy has betrayed; and who now feel, by ſad experience, that ruin, miſery, and diſgrace, *are the wages of ſin.* Over ſuch objects pity ſheds the generous tear; auſterity ſoftens into forgiveneſs; aud benevolence expands at the united pleas of frailty, penitence, and wretchedneſs.*

No *peculiar rules* of conduct are requiſite in the medical attendance on LOCK HOSPITALS. But as theſe inſtitutions muſt, from the nature of their object, be in a great meaſure ſhut from the inſpection of the public, it will behove the faculty to conſider themſelves as reſponſible, in an extraordinary degree, for their right government; that the moral, no leſs than the medical, purpoſes of ſuch eſtabliſhments may be fully anſwered. The ſtricteſt decorum ſhould be obſerved in the conduct towards the female patients; no young pupils ſhould be admitted into the houſe; every miniſtering office ſhould be performed by nurſes pro-

* See two Reports, intended to promote the eſtabliſhmenr of a Lock Hoſpital at Mancheſter, in the year 1774, inſerted in the Author's Eſſays Medical, Philoſophical, and Experimental. Vol. ii. p. 263, 4th edit.

perly inſtructed; and books adapted to the moral improvement of the patients ſhould be put into their hands, and given them on their diſcharge. To provide againſt the danger of urgent want, a ſmall ſum of money, and decent clothes, ſhould at this time be diſpenſed to them; and when practicable, ſome mode ſhould be pointed out of obtaining a reputable livelihood.

XXVIII. Asylums for Insanity poſſeſs accommodations and advantages, of which the poor muſt, in all circumſtances, be deſtitute; and which no private family, however opulent, can provide. Of theſe ſchemes of benevolence all claſſes of men may have equal occaſion to participate the benefits: for human nature itſelf becomes the mournful object of ſuch inſtitutions. Other diſeaſes leave man a rational and moral agent, and ſometimes improve both the faculties of the head, and the affections of the heart. But lunacy ſubverts the whole rational and moral character; extinguiſhes every tender charity; and excludes the degraded ſufferer from all the enjoyments and advantages of ſocial intercourſe. Painful is the office of a phyſician, when he is called upon to miniſter to ſuch humiliating objects of diſtreſs: yet great muſt be his felicity, when he can render himſelf inſtrumental, under Providence, in the reſtoration of reaſon, and in the renewal of the loſt image of God. Let no one, however, promiſe himſelf this divine privilege, if he be not deeply ſkilled in the philoſophy of human nature. For though caſual ſucceſs may

ſometimes be the reſult of empirical practice, the *medicina mentis* can only be adminiſtered with ſteady efficacy by him, who, to a knowledge of the animal œconomy, and of the phyſical cauſes which regulate or diſturb its movements, unites an intimate acquaintance with the laws of aſſociation; the controul of fancy over judgment; the force of habit; the direction and comparative ſtrength of oppoſite paſſions; and the reciprocal dependences and relations of the moral and intellectual powers of man.

XXIX. Even thus qualified with the pre-requiſite attainments, the phyſician will find that he has a new region of medical ſcience to explore. For it is a circumſtance to be regretted, both by the faculty and the public, that the various diſeaſes which are claſſed under the title of infanity, remain leſs underſtood than any others with which mankind are viſited. Hoſpital inſtitutions furniſh the beſt means of acquiring more accurate knowledge of their cauſes, nature, and cure. But this information cannot be attained, to any ſatisfactory extent, by the ordinary attention to ſingle and unconnected caſes. The ſynthetic plan ſhould be adopted; and a regular *journal* ſhould be kept of every ſpecies of the malady which occurs, arranged under proper heads, with a full detail of its riſe, progreſs, and termination; of the remedies adminiſtered, and of their effects in its ſeveral ſtages. The age, ſex, occupation, mode of life, and (if poſſible) hereditary conſtitution of each patient ſhould be noted, and when the event proves fatal, the brain,

and other organs affected, ſhould be carefully examined, and the appearances on diſſection minutely inſerted in the journal. A regiſter like this, in the courſe of a few years, would afford the moſt intereſting and authentic documents; the want of which, on a late melancholy occaſion, was felt and regretted by the whole kingdom.

XXX. Lunatics are, in a great meaſure, ſecluded from the obſervation of thoſe who are intereſted in their good treatment; and their complaints of ill-uſage are ſo often falſe or fanciful, as to obtain little credit or attention, even when well founded. The phyſician, therefore, muſt feel himſelf under the ſtricteſt obligation of honour, as well as of humanity, to ſecure to theſe unhappy ſufferers all the *tenderneſs* and *indulgence*, compatible with ſteady and effectual government.

XXXI. Certain caſes of *mania* ſeem to require a *boldneſs of practice*, which a young phyſician of ſenſibility may feel a reluctance to adopt. On ſuch occaſions he muſt not yield to timidity, but fortify his mind by the councils of his more experienced brethren of the faculty. Yet, with this aid, it is more conſonant to probity to err on the ſide of caution than of temerity.*

Hoſpitals for the ſmall-pox, for inoculation, for cancers, &c. &c. are eſtabliſhed in different places; but require no profeſſional duties, which are not included under, or deducible from, the precepts already delivered.

* See Notes and Illuſtrations, No. V.

CHAPTER II.

OF PROFESSIONAL CONDUCT IN PRIVATE, OR GENERAL PRACTICE.

I. THE *moral rules of conduct*, prescribed towards hospital patients, should be fully adopted in private or general practice. Every case, committed to the charge of a physician or surgeon, should be treated with attention, steadiness, and humanity: reasonable indulgence should be granted to the mental imbecility and caprices of the sick: secrecy, and delicacy when required by peculiar circumstances, should be strictly observed. And the familiar and confidential intercourse, to which the faculty are admitted in their professional visits, should be used with discretion, and with the most scrupulous regard to fidelity and honour.

II. The strictest *temperance* should be deemed incumbent on the faculty; as the practice both of physic and surgery at all times requires the exercise of a clear and vigorous understanding: and on emergencies, for which no professional man should be unprepared, a steady hand, an acute eye, and an unclouded head, may be essential to the well-being, and even to the life, of a fellow-creature. Philip of Macedon reposed

with entire ſecurity on the vigilance and attention of his general Parmenio. In his hours of mirth and conviviality he was wont to ſay, "Let us drink, my "friends; we may do it with ſafety, for Parmenio "never drinks!" The moral of this ſtory is ſufficiently obvious when applied to the faculty; but it ſhould certainly be conſtrued with great limitation by their patients.*

III. A phyſician ſhould not be forward to make gloomy prognoſtications; becauſe they ſavour of empiriciſm, by magnifying the importance of his ſervices in the treatment or cure of the diſeaſe. But he ſhould not fail, on proper occaſions, to give to the friends of the patient timely notice of danger, when it really occurs, and even to the patient himſelf, if abſolutely neceſſary. This office, however, is ſo peculiarly alarming, when executed by him, that it ought to be declined, whenever it can be aſſigned to any other perſon of ſufficient judgment and delicacy. For the phyſician ſhould be the miniſter of hope and comfort to the ſick; that by ſuch cordials to the drooping ſpirit, he may ſmooth the bed of death, revive expiring life, and counteract the depreſſing influence of thoſe maladies, which rob the philoſopher of fortitude, and the Chriſtian of conſolation.†

IV. *Officious interference*, in a caſe under the charge of another, ſhould be carefully avoided. No med-

* See Notes and Illuſtrations, No. VI.

† See Notes and Illuſtrations, No. VII.

dling inquiries ſhould be made concerning the patient; no unneceſſary hints given, relative to the nature or treatment of his diſorder; nor any ſelfiſh conduct purſued, that may directly or indirectly tend to diminiſh the truſt repoſed in the phyſician or ſurgeon employed. Yet though the character of a profeſſional buſy-body, whether from thoughtleſſneſs or craft, is highly reprehenſible, there are occaſions which not only juſtify but require a ſpirited interpoſition. When artful ignorance groſsly impoſes on credulity; when neglect puts to hazard an important life; or raſhneſs threatens it with ſtill more imminent danger; a medical neighbour, friend, or relative, apprized of ſuch facts, will juſtly regard his interference as a duty. But he ought to be careful, that the information, on which he acts, is well founded; that his motives are pure and honourable; and that his judgment of the meaſures purſued is built on experience and practical knowledge, not on ſpeculative or theoretical differences of opinion. The particular circumſtances of the caſe will ſuggeſt the moſt proper mode of conduct. In general, however, a perſonal and confidential application to the gentlemen of the faculty concerned ſhould be the firſt ſtep taken; and afterwards, if neceſſary, the tranſaction may be communicated to the patient or to his family.

V. When a phyſician or ſurgeon is called to a patient, who has been before under the care of another gentleman of the faculty, a conſultation with him ſhould be propoſed, even though he may have

diſcontinued his viſits: his practice, alſo, ſhould be treated with candour, and juſtified, ſo far as probity and truth will permit. For the want of ſucceſs in the primary treatment of a caſe is no impeachment of profeſſional ſkill or knowledge; and it often ſerves to throw light on the nature of a diſeaſe, and to ſuggeſt to the ſubſequent practitioner more appropriate means of relief.*

VI. In large and opulent towns, the *diſtinction* between the *provinces* of *phyſic* and *ſurgery* ſhould be ſteadily maintained. This diſtinction is ſanctioned both by reaſon and experience. It is founded on the nature and objects of the two profeſſions; on the education and acquirements requiſite for their moſt beneficial and honourable exerciſe; and tends to promote the complete cultivation and advancement of each. For the diviſion of ſkill and labour is no leſs advantageous in the liberal than in the mechanic arts: and both phyſic and ſurgery are ſo comprehenſive, and yet ſo far from perfection, as ſeparately to give full ſcope to the induſtry and genius of their reſpective profeſſors. Experience has fully evinced the benefits of the diſcrimination recommended, which is eſtabliſhed in every well-regulated hoſpital, and is thus expreſsly authorized by the faculty themſelves, and by thoſe who have the beſt opportunities of judging of the proper application of the healing art. No phyſician or ſurgeon, therefore, ſhould adopt

* See Notes and Illuſtrations, No. VIII.

more than one denomination, or aſſume any rank or privileges different from thoſe of his order.

VII. *Conſultations* ſhould be *promoted*, in difficult or protracted caſes, as they give riſe to confidence, energy, and more enlarged views in practice. On ſuch occaſions no rivalſhip or jealouſy ſhould be indulged: candour, probity, and all due reſpect ſhould be exerciſed towards the phyſician or ſurgeon firſt engaged: and as he may be preſumed to be beſt acquainted with the patient and with his family, he ſhould deliver all the medical directions agreed upon, though he may not have precedency in ſeniority or rank. It ſhould be the province, however, of the ſenior phyſician, firſt to propoſe the neceſſary queſtions to the ſick, but without excluding his aſſociate from the privilege of making farther enquiries, to ſatisfy himſelf, or to elucidate the caſe.

VIII. As circumſtances ſometimes occur to render a *ſpecial conſultation* deſirable, when the continued attendance of another phyſician or ſurgeon might be objectionable to the patient, the gentleman of the faculty, whoſe aſſiſtance is required, in ſuch caſes, ſhould pay only two or three viſits; and ſedulouſly guard againſt all future unſolicited interference. For this conſultation a double gratuity may reaſonably be expected from the patient, as it will be found to require an extraordinary portion both of time and attention.

In medical practice, it is not an unfrequent occurrence, that a phyſician is haſtily ſummoned, through the anxiety of the family, or the ſolicitation of friends,

to viſit a patient, who is under the regular direction of another phyſician, to whom notice of this call has not been given. Under ſuch circumſtances, no change in the treatment of the ſick perſon ſhould be made, till a previous conſultation with the ſtated phyſician has taken place, unleſs the lateneſs of the hour precludes meeting, or the ſymptoms of the caſe are too preſſing to admit of delay.

IX. *Theoretical diſcuſſions* ſhould be avoided in conſultations, as occaſioning perplexity and loſs of time. For there may be much diverſity of opinion, concerning ſpeculative points, with perfect agreement in thoſe modes of practice, which are founded not on hypotheſis, but on experience and obſervation.*

X. The rules preſcribed for hoſpital conſultations may be adopted in private or general practice :† and the *ſeniority* of a phyſician may be determined by the period of his public and acknowledged practice as a phyſician, and that of a ſurgeon by the period of his practice as a ſurgeon, in the place where each reſides. This arrangement, being clear and obvious, is adapted to remove all grounds of diſpute amongſt medical gentlemen, and it ſecures the regular continuance of the order of precedency, eſtabliſhed in every town, which might otherwiſe be liable to troubleſome interruptions by new ſettlers, perhaps not long ſtationnary.

* See Notes and Illuſtrations, No. IX.

† See Articles xix. xx. xxi. chap. 1.

XI. A regular *academical education* furniſhes the only preſumptive evidence of profeſſional ability, and is ſo honourable and beneficial, that it gives a juſt claim to pre-eminence among phyſicians, in proportion to the degree in which it has been enjoyed and improved: yet as it is not indiſpenſably neceſſary to the attainment of knowledge, ſkill, and experience, they who have really acquired, in a competent meaſure, ſuch qualifications, without its advantages, ſhould not be faſtidiouſly excluded from the privileges of fellowſhip. In conſultations, eſpecially, as the good of the patient is the ſole object in view, and is often dependent on perſonal confidence, the aid of an intelligent practitioner ought to be received with candour and politeneſs, and his advice adopted, if agreeable to ſound judgment and truth.*

XII. *Punctuality* ſhould be obſerved in the viſits of the faculty, when they are to hold conſultation together. But as this may not always be practicable, the phyſician or ſurgeon, who firſt arrives at the place of appointment, ſhould wait five minutes for his aſſociate, before his introduction to the patient, that the unneceſſary repetition of queſtions may be avoided: no viſits ſhould be made but in concert, or by mutual agreement: no ſtatement or diſcuſſion of the caſe ſhould take place before the patient or his friends, except in the preſence of each of the attending gentlemen of the faculty, and by common conſent: and

* See Notes and Illuſtrations, No. X.

no *prognoſtications* ſhould be delivered, which are not the reſult of previous deliberation and concurrence.

XIII. *Viſits* to the ſick ſhould not be *unſeaſonably repeated;* becauſe, when too frequent, they tend to diminiſh the authority of the phyſician, to produce inſtability in his practice, and to give riſe to ſuch occaſional indulgences, as are ſubverſive of all medical regimen.

Sir William Temple has aſſerted, that "an honeſt "phyſician is excuſed for leaving his patient, when "he finds the diſeaſe growing deſperate, and can, "by his attendance, expect only to receive his fees, "without any hopes or appearance of deſerving "them." But this allegation is not well founded: for the offices of a phyſician may continue to be highly uſeful to the patient, and comforting to the relatives around him, even in the laſt period of a fatal malady; by obviating deſpair, by alleviating pain, and by ſoothing mental anguiſh. To decline attendance, under ſuch circumſtances, would be ſacrificing, to fanciful delicacy and miſtaken liberality, that moral duty which is independent of, and far ſuperior to, all pecuniary appreciation.

XIV. Whenever a phyſician or ſurgeon *officiates* for another, who is ſick or abſent, during any conſiderable length of time, he ſhould receive the fees accruing from ſuch additional practice: but if this fraternal act be of ſhort duration, it ſhould be gratuitouſly performed; with an obſervance always of the utmoſt delicacy towards the intereſt and character

of the profeſſional gentleman previouſly connected with the family.

XV. Some general rules ſhould be adopted by the faculty, in every town, relative to the *pecuniary acknowledgments* of their patients; and it ſhould be deemed a point of honour to adhere to this rule, with as much ſteadineſs as varying circumſtances will admit. For it is obvious that an average fee, as ſuited to the general rank of patients, muſt be an inadequate gratuity from the rich, who often require attendance not abſolutely neceſſary; and yet too large to be expected from that claſs of citizens, who would feel a reluctance in calling for aſſiſtance, without making ſome decent and ſatisfactory retribution.

But in the conſideration of fees, let it ever be remembered, that though mean ones from the affluent are both unjuſt and degrading, yet the characteriſtical beneficence of the profeſſion is inconſiſtent with ſordid views, and avaricious rapacity. To a young phyſician, it is of great importance to have clear and definite ideas of the ends of his profeſſion; of the means for their attainment; and of the comparative value and dignity of each. Wealth, rank, and independence, with all the benefits reſulting from them, are the ends which he holds in view; and they are intereſting, wiſe, and laudable. But knowledge, benevolence, and active virtue, the means to be adopted in their acquiſition, are of ſtill higher eſtimation. And he has the privilege and felicity of practiſing an art, even more intrinſically excellent in its mediate than in its

ultimate objects. The former, therefore, have a claim to uniform pre-eminence.*

XVI. All members of the profeſſion, including apothecaries as well as phyſicians and ſurgeons, together with their wives and children, ſhould be attended *gratuitouſly* by any one or more of the faculty, reſiding near them, whoſe aſſiſtance may be required. For as ſolicitude obſcures the judgment, and is accompanied with timidity and irreſolution, medical men, under the preſſure of ſickneſs, either as affecting themſelves or their families, are peculiarly dependent upon each other. But viſits ſhould not be obtruded officiouſly; as ſuch unaſked civility may give riſe to embarraſſment, or interfere with that choice, on which confidence depends. Diſtant members of the faculty, when they requeſt attendance, ſhould be expected to defray the charges of travelling. And if their circumſtances be affluent, a pecuniary acknowledgment ſhould not be declined: for no obligation ought to be impoſed, which the party would rather compenſate than contract.

XVII. When a phyſician attends the wife or child of a member of the faculty, or any perſon very nearly connected with him, he ſhould manifeſt peculiar attention to his opinions, and tenderneſs even to his prejudices. For the dear and important intereſts which the one has at ſtake, ſuperſede every conſideration of rank or ſeniority in the other; ſince the mind

* See Notes and Illuſtrations, No. XI.

of a huſband, a father, or a friend, may receive a deep and laſting wound, if the diſeaſe terminate fatally, from the adoption of means he could not approve, or the rejection of thoſe he wiſhed to be tried. Under ſuch delicate circumſtances, however, a conſcientious phyſician will not lightly ſacrifice his judgment; but will urge, with proper confidence, the meaſures he deems to be expedient, before he leaves the final deciſion concerning them to his more reſponſible coadjutor.

XVIII. Clergymen who experience the *res anguſta domi*, ſhould be viſited gratuitouſly by the faculty: and this exemption ſhould be an acknowledged general rule, that the feeling of individual obligation may be rendered leſs oppreſſive. But ſuch of the clergy as are qualified, either from their ſtipends or fortunes, to make a reaſonable remuneration for medical attendance, are not more privileged than any other order of patients. Military or naval ſubaltern officers, in narrow circumſtances, are alſo proper objects of profeſſional liberality.

XIX. As the firſt *conſultation* by *letter* impoſes much more trouble and attention than a perſonal viſit, it is reaſonable, on ſuch an occaſion, to expect a gratuity of double the uſual amount: and this has long been the eſtabliſhed practice of many reſpectable phyſicians. But a ſubſequent epiſtolary correſpondence, on the further treatment of the ſame diſorder, may juſtly be regarded in the light of ordinary attendance, and may be compenſated as ſuch,

according to the circumſtances of the caſe, or of the patient.

XX. Phyſicians and ſurgeons are occaſionally requeſted to furniſh certificates, juſtifying the abſence of perſons who hold ſituations of honour and truſt in the army, the navy, or the civil departments of government. Theſe teſtimonials, unleſs under particular circumſtances, ſhould be conſidered as acts due to the public, and therefore not to be compenſated by any gratuity. But they ſhould never be given without an accurate and faithful ſcrutiny into the caſe; that truth and probity may not be violated, nor the good of the community injured, by the unjuſt pretences of its ſervants. The ſame conduct is to be obſerved by medical practitioners, when they are ſolicited to furniſh apologies for non-attendance on juries; or to ſtate the valetudinary incapacity of perſons appointed to execute the buſineſs of conſtables, churchwardens, or overſeers of the poor. No fear of giving umbrage, no view to preſent or future emolument, nor any motives of friendſhip, ſhould incite to a falſe, or even dubious declaration. For the general weal requires that every individual, who is properly qualified, ſhould deem himſelf obliged to execute, when legally called upon, the juridical and municipal employments of the body politic. And to be acceſſary, by untruth or prevarication, to the evaſion of this duty, is at once a high miſdemeanour againſt ſocial order, and a breach of moral and profeſſional honour.

XXI. The uſe of *quack medicines* ſhould be diſcouraged by the faculty, as diſgraceful to the profeſſion, injurious to health, and often deſtructive even of life. Patients, however, under lingering diſorders, are ſometimes obſtinately bent on having recourſe to ſuch as they ſee advertiſed, or hear recommended, with a boldneſs and confidence, which no intelligent phyſician dares to adopt, with reſpect to the means that he preſcribes. In theſe caſes, ſome indulgence ſeems to be required to a credulity that is inſurmountable: and the patient ſhould neither incur the diſpleaſure of the phyſician, nor be entirely deſerted by him. He may be apprized of the fallacy of his expectations, whilſt aſſured, at the ſame time, that diligent attention ſhould be paid to the proceſs of the experiment he is ſo unadviſedly making on himſelf, and the conſequent miſchiefs, if any, obviated as timely as poſſible. Certain active preparations, the nature, compoſition, and effects of which are well known, ought not to be proſcribed as quack medicines.

XXII. No phyſician or ſurgeon ſhould diſpenſe a ſecret *noſtrum*, whether it be his invention, or excluſive property. For if it be of real efficacy, the concealment of it is inconſiſtent with beneficence and profeſſional liberality: and if myſtery alone give it value and importance, ſuch craft implies either diſgraceful ignorance, or fraudulent avarice.

XXIII. The *Eſprit du Corps* is a principle of action founded in human nature, and when duly regulated, is both rational and laudable. Every man

who enters into a fraternity, engages, by a tacit compact, not only to ſubmit to the laws, but to promote the honour and intereſt of the aſſociation, ſo far as they are conſiſtent with morality, and the general good of mankind. A phyſician, therefore, ſhould cautiouſly guard againſt whatever may injure the general reſpectability of his profeſſion; and ſhould avoid all contumelious repreſentations of the faculty at large; all general charges againſt their ſelfiſhneſs or improbity; and the indulgence of an affected or jocular ſcepticiſm, concerning the efficacy and utility of the healing art.

XXIV. As diverſity of opinion and oppoſition of intereſt may, in the medical, as in other profeſſions, ſometimes occaſion *controverſy*, and even *contention;* whenever ſuch caſes unfortunately occur, and cannot be immediately terminated, they ſhould be referred to the arbitration of a ſufficient number of phyſicians or of ſurgeons, according to the nature of the diſpute; or to the two orders collectively, if belonging both to medicine and ſurgery. But neither the ſubject matter of ſuch references, nor the adjudication, ſhould be communicated to the public; as they may be perſonally injurious to the individuals concerned, and can hardly fail to hurt the general credit of the faculty.

XXV. A wealthy phyſician ſhould not give advice *gratis* to the affluent; becauſe it is an injury to his profeſſional brethren. The office of phyſician can never be ſupported but as a lucrative one; and it

is defrauding, in ſome degree, the common funds for its ſupport, when fees are diſpenſed with, which might juſtly be claimed.

XXVI. It frequently happens that a phyſician, in his incidental communications with the patients of other phyſicians, or with their friends, may have their caſes ſtated to him in ſo direct a manner, as not to admit of his declining to pay attention to them. Under ſuch circumſtances, his obſervations ſhould be delivered with the moſt delicate propriety and reſerve. He ſhould not interfere in the curative plans purſued; and ſhould even recommend a ſteady adherence to them, if they appear to merit approbation.

XXVII. A phyſician, when viſiting a ſick perſon in the country, may be deſired to ſee a neighbouring patient, who is under the regular direction of another phyſician, in conſequence of ſome ſudden change or aggravation of ſymptoms. The conduct to be purſued on ſuch an occaſion is to give advice adapted to preſent circumſtances; to interfere no farther than is abſolutely neceſſary with the general plan of treatment; to aſſume no future direction, unleſs it be expreſsly deſired; and, in this caſe, to requeſt an immediate conſultation with the practitioner antecedently employed.

XXVIII. At the cloſe of every intereſting and important caſe, eſpecially when it hath terminated fatally, a phyſician ſhould trace back, in calm reflection, all the ſteps which he had taken in the treatment of it. This review of the origin, progreſs,

and concluſion of the malady ; of the whole curative plan purſued; and of the particular operation of the ſeveral remedies employed, as well as of the doſes and periods of time in which they were adminiſtered; will furniſh the moſt authentic documents, on which individual experience can be formed. But it is in a moral view that the practice is here recommended; and it ſhould be performed with the moſt ſcrupulous impartiality. Let no ſelf-deception be permitted in the retroſpect; and if errors, either of omiſſion or commiſſion, are diſcovered, it behoves that they ſhould be brought fairly and fully to the mental view. Regrets may follow, but criminality will thus be obviated. For good intentions, and the imperfection of human ſkill, which cannot anticipate the knowledge that events alone diſcloſe, will ſufficiently juſtify what is paſt, provided the failure be made conſcientiouſly ſubſervient to future wiſdom and rectitude in profeſſional conduct.

XXIX. The opportunities which a phyſician not unfrequently enjoys, of promoting and ſtrengthening the good reſolutions of his patients, ſuffering under the conſequences of vicious conduct, ought never to be neglected. And his councils, or even remonſtrances, will give ſatisfaction, not diſguſt, if they be conducted with politeneſs; and evince a genuine love of virtue, accompanied by a ſincere intereſt in the welfare of the perſon to whom they are addreſſed.

XXX. The obſervance of the ſabbath is a duty o which medical men are bound, ſo far as is compa-

tible with the urgency of the caſes under their charge. Viſits may often be made with ſufficient convenience and benefit, either before the hours of going to church, or during the intervals of public worſhip. And in many chronic ailments, the ſick, together with their attendants, are qualified to participate in the ſocial offices of religion; and ſhould not be induced to forego this important privilege, by the expectation of a call from their phyſician or ſurgeon.*

XXXI. A phyſician who is advancing in years, yet unconſcious of any decay in his faculties, may occaſionally experience ſome change in the wonted confidence of his friends. Patients, who before truſted ſolely to his care and ſkill, may now requeſt that he will join in conſultation perhaps with a younger coadjutor. It behoves him to admit this change without diſſatisfaction or faſtidiouſneſs, regarding it as no mark of diſreſpect; but as the exerciſe of a juſt and reaſonable privilege in thoſe by whom he is employed. The junior practitioner may well be ſuppoſed to have more ardour than he poſſeſſes, in the treatment of diſeaſes; to be bolder in the exhibition of new medicines; and diſpoſed to adminiſter old ones in doſes of greater efficacy. And this union of enterprize with caution, and of fervour with coolneſs, may promote the ſucceſsful management of a difficult and protracted caſe. Let the medical parties, therefore, be ſtudious to conduct themſelves towards each other with candour and impartiality;

* See Notes and Illuſtrations, No. XII.

co-operating, by mutual conceſſions, in the benevolent diſcharge of profeſſional duty.*

XXXII. The commencement of that period of ſeneſcence, when it becomes incumbent on a phyſician to decline the offices of his profeſſion, it is not eaſy to aſcertain; and the deciſion on ſo nice a point muſt be left to the moral diſcretion of the individual. Becauſe, one grown old in the uſeful and honourable exerciſe of the healing art may continue to enjoy, and juſtly to enjoy, the unabated confidence of the public. And whilſt exempt, in a conſiderable degree, from the privations and infirmities of age, he is under indiſpenſable obligations to apply his knowledge and experience, in the moſt efficient way, to the benefit of mankind: for the poſſeſſion of powers is a clear indication of the will of our Creator, concerning their practical direction. But in the ordinary courſe of nature, the bodily and mental vigour muſt be expected to decay progreſſively, though perhaps ſlowly, after the meridian of life is paſt. As age advances, therefore, a phyſician ſhould, from time to time, ſcrutinize impartially the ſtate of his faculties; that he may determine, *bona fide*, the preciſe degree in which he is qualified to execute the active and multifarious offices of his profeſſion. And whenever he becomes conſcious that his memory preſents to him with faintneſs thoſe analogies, on which medical reaſoning and the treatment of diſeaſes are founded; that diffidence of the meaſures to be purſued per-

* See Notes and Illuſtrations, No. XIII.

plexes his judgment; that, from a deficiency in the acuteneſs of his ſenſes, he finds himſelf leſs able to diſtinguiſh ſigns, or to prognoſticate events; he ſhould at once reſolve, though others perceive not the changes which have taken place, to ſacrifice every conſideration of fame or fortune, and to retire from the engagements of buſineſs. To the ſurgeon under ſimilar circumſtances, this rule of conduct is ſtill more neceſſary: for the energy of the underſtanding often ſubſiſts much longer than the quickneſs of eye-ſight, delicacy of touch, and ſteadineſs of hand, which are eſſential to the ſkilful performance of operations. Let both the phyſician and ſurgeon never forget, that their profeſſions are public truſts, properly rendered lucrative whilſt they fulfil them; but which they are bound, by honour and probity, to relinquiſh, as ſoon as they find themſelves unequal to their adequate and faithful execution.*

* See Notes and Illuſtrations, No. XIV.

CHAPTER III.

OF THE CONDUCT OF PHYSICIANS TOWARDS APOTHECARIES.

I. IN the preſent ſtate of phyſic, in this country, where the profeſſion is properly divided into three diſtinct branches, a connection peculiarly intimate ſubſiſts between the phyſician and the apothecary; and various obligations neceſſarily reſult from it. On the knowledge, ſkill, and fidelity of the apothecary, depend, in a very conſiderable degree, the reputation, the ſucceſs, and uſefulneſs of the phyſician. As theſe qualities, therefore, juſtly claim his attention and encouragement, the poſſeſſor of them merits his reſpect and patronage.

II. The apothecary is, in almoſt every inſtance, the precurſor of the phyſician; and being acquainted with the riſe and progreſs of the diſeaſe, with the hereditary conſtitution, habits, and diſpoſition of the patient, he may furniſh very important information. It is in general, therefore, expedient, and when health or life are at ſtake, expediency becomes a moral duty, to confer with the apothecary, before any deciſive plan of treatment is adopted; to hear his account of the malady, of the remedies which have been adminiſtered, of the effects produced by them,

and of his whole experience concerning the *juvantia* and *lædentia* in the caſe. Nor ſhould the future attendance of the apothecary be ſuperſeded by the phyſician: for if he be a man of honour, judgment, and propriety of behaviour, he will be a moſt valuable auxiliary through the whole courſe of the diſorder, by his attention to varying ſymptoms; by the enforcement of medical directions; by obviating miſapprehenſions in the patient, or his family; by ſtrengthening the authority of the phyſician; and by being at all times an eaſy and friendly medium of communication. To ſubſerve theſe important purpoſes, the phyſician ſhould occaſionally make his viſits in conjunction with the apothecary, and regulate by circumſtances the frequency of ſuch interviews: For if they be often repeated, little ſubſtantial aid can be expected from the apothecary, becauſe he will have no intelligence to offer which does not fall under the obſervation of the phyſician himſelf; nor any opportunity of executing his *peculiar* truſt, without becoming burthenſome to the patient by multiplied calls, and unſeaſonable aſſiduity.

III. This amicable *intercourſe* and *co-operation* of the phyſician and apothecary, if conducted with the *decorum* and attention to *etiquette*, which ſhould always be ſteadily obſerved by profeſſional men, will add to the authority of the one, to the reſpectability of the other, and to the uſefulneſs of both. The patient will find himſelf the object of watchful and unremitting care, and will experience that he is

connected with his phyſician, not only perſonally, but by a ſedulous repreſentative and coadjutor. The apothecary will regard the free communication of the phyſician as a privilege and mean of improvement; he will have a deeper intereſt in the ſucceſs of the curative plans purſued; and his honour and reputation will be directly involved in the purity and excellence of the medicines diſpenſed, and in the ſkill and care with which they are compounded.

IV. The duty and reſponſibility of the phyſician, however, are ſo intimately connected with theſe points, that no dependence on the probity of the apothecary ſhould prevent the occaſional inſpection of the drugs which he preſcribes. In London, the law not only authorizes, but enjoins a ſtated examination of the ſimple and compound medicines kept in the ſhops: and the policy that is juſt and reaſonable in the metropolis, muſt be proportionably ſo in every provincial town, throughout the kingdom. Nor will any reſpectable apothecary object to this neceſſary office, when performed with delicacy, and at ſeaſonable times; ſince his reputation and emolument will be increaſed by it, probably in the exact *ratio*, thus aſcertained, of profeſſional merit and integrity.

V. A phyſician called to viſit a patient in the country ſhould not only be *minute* in his *directions*, but ſhould *communicate* to the apothecary the *particular view* which he takes of the *caſe;* that the indications of cure may be afterwards purſued with preciſion and ſteadineſs; and that the apothecary may

uſe the diſcretionary power committed to him, with as little deviation as poſſible from the general plan preſcribed. To ſo valuable a claſs of men as the country apothecaries, great attention and reſpect is due: and as they are the guardians of health through large diſtricts, no opportunities ſhould be neglected of promoting their improvement, or contributing to their ſtock of knowledge, either by the loan of books, the direction of their ſtudies, or by unreſerved information on medical ſubjects. When ſuch occaſions preſent themſelves, the maxim of our judicious poet is ſtrictly true, "The worſt "avarice is that of ſenſe." For practical improvements uſually originate in towns, and often remain unknown or diſregarded in ſituations where gentlemen of the faculty have little intercourſe, and where ſufficient authority is wanting to ſanction innovation.

VI. It has been obſerved, by a political and moral writer of great authority, that "apothecaries' profit "is become a bye-word, denoting ſomething uncommonly extravagant. This great apparent profit, "however, is frequently no more than the reaſonable "wages of labour. The ſkill of an apothecary is a "much nicer and more delicate matter than that of "any artificer whatever; and the truſt which is re-"poſed in him is of much greater importance. He "is the phyſician of the poor in all caſes, and of the "rich when the diſtreſs or danger is not very great. "His reward, therefore, ought to be ſuitable to his "ſkill and his truſt, and it ariſes generally from the

"price at which he ſells his drugs. But the whole "drugs which the beſt-employed apothecary in a "large market town will ſell in a year, may not per- "haps coſt him above thirty or forty pounds. "Though he ſhould ſell them, therefore, for three "or four hundred, or a thouſand per cent. profit, "this may frequently be no more than the reaſonable "wages of his labour charged, in the only way in "which he can charge them, upon the price of his "drugs."* The ſtatement here given exceeds the emoluments of the generality of apothecaries in country diſtricts: and a phyſician who knows the education, ſkill, and perſevering attention, as well as the ſacrifice of eaſe, health, and ſometimes even of life, which this profeſſion requires, ſhould regard it as a duty not to withdraw, from thoſe who exerciſe it, any ſources of reaſonable profit, or the honourable means of advancement in fortune. Two practices prevail in ſome places injurious to the intereſt of this branch of the faculty, and which ought to be diſcouraged. One conſiſts in ſuffering preſcriptions to be ſent to the druggiſt, for the ſake of a ſmall ſaving in expence: the other in receiving an annual ſtipend, uſually degrading in its amount, and in the ſervices it impoſes, for being conſulted on the ſlighter indiſpoſitions to which all families are incident, and which properly fall within the province of the apothecary.

VII. Phyſicians are ſometimes requeſted to viſit the patients of the apothecary in his abſence. Com-

* See Smith's Wealth of Nations, book i. ch. x.

pliance in ſuch caſes ſhould always be refuſed, when it is likely to interfere with the conſultation of the medical gentleman ordinarily employed by the ſick perſon, or his family. Indeed this practice is ſo liable to abuſe, and requires in its exerciſe ſo much caution and delicacy, that it would be for the intereſt and honour of the faculty to have it altogether interdicted. Phyſicians are the only proper ſubſtitutes for phyſicians; ſurgeons for ſurgeons; and apothecaries for apothecaries.

VIII. When the aid of a phyſician is required, the apothecary to the family is frequently called upon to recommend one. It will then behove him to learn fully whether the patient or his friends have any preference or partiality; and this he ought to conſult, if it lead not to an improper choice. For the maxim of Celſus is ſtrictly applicable on ſuch an occaſion: *ubi par ſcientia, melior eſt amicus medicus quam extraneus.* But if the parties concerned be entirely indifferent, the apothecary is bound to decide according to his beſt judgment, with a conſcientious and excluſive regard to the good of the perſon for whom he is commiſſioned to act. It is not even ſufficient that he ſelects the perſon on whom, in ſickneſs, he repoſes his own truſt; for in this caſe friendſhip juſtly gives preponderancy; becauſe it may be ſuppoſed to excite a degree of zeal and attention which might overbalance ſuperior ſcience or abilities. Without favour or regard to any perſonal, family, or profeſſional connections, he ſhould recommend the phyſician

whom he conſcientiouſly believes, all circumſtances conſidered, to be beſt qualified to accompliſh the recovery of the patient.

IX. In the county of Norfolk, and in the city of London, benevolent inſtitutions have been lately formed, for providing funds to relieve the widows and children of apothecaries, and occaſionally alſo members of the profeſſion who become indigent. Such ſchemes merit the ſanction and encouragement of every liberal phyſician and ſurgeon. And were they thus extended, their uſefulneſs would be greatly increaſed, and their permanency almoſt with certainty ſecured. Medical ſubſcribers, from every part of Great-Britain, ſhould be admitted, if they offer ſatisfactory teſtimonials of their qualifications. One comprehenſive eſtabliſhment ſeems to be more eligible than many on a ſmaller ſcale. For it would be conducted with ſuperior dignity, regularity, and efficiency; with fewer obſtacles from intereſt, prejudice, or rivalſhip; with conſiderable ſaving in the aggregate of time, trouble, and expence; with more accuracy in the calculations relative to its funds, and conſequently with the utmoſt practicable extenſion of its dividends.

CHAPTER IV.

OF PROFESSIONAL DUTIES, IN CERTAIN CASES WHICH REQUIRE A KNOWLEDGE OF LAW.

I. GENTLEMEN of the faculty of phyſic, by the authority of different parliamentary ſtatutes, enjoy an exemption from ſerving on inqueſts or juries; from bearing armour; from being conſtables or church-wardens; and from all burdenſome offices, whether leet or parochial. Theſe privileges are founded on reaſons highly honourable to medical men; and ſhould operate as incentives to that diligent and aſſiduous diſcharge of profeſſional duty, which the legiſlature has generouſly preſumed to occupy the time, and to employ the talents, of phyſicians and ſurgeons, in ſome of the moſt important intereſts of their fellow-citizens. It is perhaps on account of their being thus excuſed from many civil functions, that Sir William Black-ſtone, in his learned Commentaries, judges the ſtudy of the law to be leſs eſſential to them than to any other claſs of men. He obſerves, that "there is no "ſpecial reaſon why gentlemen of the faculty of "phyſic ſhould apply themſelves to the ſtudy of the "law, unleſs in common with other gentlemen, and "to complete the character of general and extenſive

"knowledge, which this profeſſion, beyond others, "has remarkably deſerved."* But I apprehend it will be found that phyſicians and ſurgeons are often called upon to exerciſe appropriate duties, which require not only a knowledge of the principles of juriſprudence, but of the forms and regulations adopted in our courts of judicature. The truth of this obſervation will ſufficiently appear from the following *brief detail* of ſome of the principal caſes in which the ſcience of law is of importance to medical practitioners. To enter at large on ſo comprehenſive a ſubject, would far exceed the bounds of the preſent undertaking.

II. When a phyſician attends upon a patient, under circumſtances of imminent danger, his counſel may be required about the expediency of a *laſt will* and *teſtament*. It behoves him, therefore, to know whether, in caſe of inteſtacy, the daughters, or younger children, of the ſick perſon would be legally entitled to any ſhare of his fortune: whether the fortune would be equally divided, when ſuch equality would be improper or unjuſt: whether diverſity of claims and expenſive litigations would enſue, without a will, from the nature of the property in queſtion: and whether the creditors of the defunct would, by his neglect, be defrauded of their equitable claims.†

* Vol. i. ſect. i. Introduction.

† Sir Wm. Blackſtone declares it to be eſſential to a phyſician to become acquainted with the *form* in which a *will* or *deviſe* ſhould be drawn up and executed.

For it is a culpable deficiency in our laws, that real eſtates are not ſubject to the payment of debts by ſimple contract, unleſs expreſsly charged with them by the laſt will and teſtament of the proprietor; although credit is often founded, as Dr. Paley well obſerves, on the poſſeſſion of ſuch eſtates. This acute moraliſt adds, "He, therefore, who neglects to make "the neceſſary appointments for the payment of his "debts, as far as his effects extend, ſins in his grave; "and if he omit this on purpoſe to defeat the de-"mands of his creditors, he dies with a deliberate "fraud in his heart."*

Property is divided by the law into two ſpecies, *perſonal* and *real*; each requiring appropriate modes of transfer or alienation, with which a phyſician ſhould be well acquainted. It may alſo be required of him to deliver an opinion, and even a ſolemn judicial evidence, concerning the *capacity* of his patient to make a *will*, a point ſometimes of difficult and nice deciſion. For various diſorders obſcure, without perverting, the intellectual faculties: and even in delirium itſelf there are lucid intervals, when the memory and judgment become ſufficiently clear, accurate, and vigorous, for the valid execution of a teſtament. In ſuch caſes the will ſhould commence with the ſignature of the teſtator, concluding with it alſo, if his hand be not, after continued mental exertions,

* See Paley's Principles of Moral and Political Philoſophy, book iii. part i. chap. xxiii.

too tremulous for ſubſcription; and it ſhould be made with all poſſible conciſeneſs, and expedition."*

If the patient be ſurprized by ſudden and violent ſickneſs, the law authorizes a *nuncupative will* in the diſpoſal of perſonalty. But to guard againſt fraud, the teſtamentary words muſt be delivered with an explicit intention to bequeath; the will muſt be made at home, or among the teſtator's family and friends, unleſs by unavoidable accident; and alſo in his laſt ſickneſs: for if he recover, it is evident that time is given for a written will.†

The law excludes from the privilege of making a will *madmen*, *ideots*, perſons in their *dotage*, or thoſe who have ſtupified their underſtandings by drunkenneſs. But there is a high degree of hypochondriaciſm, which not unfrequently falls under the cognizance of a phyſician, and on which he may be required to decide whether it amounts to mental incapacity for the execution of a laſt will and teſtament. To define the preciſe boundaries of rationality is perhaps impoſſible; if it be true, according to Shakeſpeare, that "the lunatic, the lover, and the poet are of imagination all compact." But a partially diſtempered fancy is known to ſubſiſt with general in-

* "In the conſtruction of the ſtatute, 29 Car. II. ch. iii. it has "been adjudged, that the teſtator's name, written with his own "hand, at the beginning of the will, as I John Mills do make this "my laſt will and teſtament; is a ſufficient ſigning, without any "name at the bottom; though the other is the ſafer way." See Blackſtone's Comment. book ii. ch. xxiii.

† Id. book ii. c. xxxii.

telligence: And a man, like Mr. Simon Browne, believing the extinction of his rational ſoul by the judgment of GOD, may uniformly evince, in every other inſtance, very diſtinguiſhed intellectual powers; and be capable of directing his concerns, and diſpoſing of his property, with ſufficient diſcretion. To preclude one, ſo affected, from being a teſtator, ſeems inconſiſtent either with wiſdom or juſtice; eſpecially if the will which has been made, diſcover, in its eſſential parts, no traces of a diſturbed imagination or unſound judgment. But whenever falſe ideas of a a *practical kind* are ſo firmly united as to be conſtantly and invariably miſtaken for truth, we properly denominate this unnatural alliance INSANITY: and if it give riſe to a train of ſubordinate wrong aſſociations, producing incongruity of behaviour, incapacity for the common duties of life, or unconſcious deviations from morality and religion, MADNESS has then its commencement.*

III. A lunatic, or *non compos mentis*, in the eye of the law, is one who has had underſtanding, but has loſt it by diſeaſe, grief, or other accident. The king is the truſtee for ſuch unfortunate perſons, appointed to protect their property, and to account to them, if they recover, for their revenues, or, after their deceaſe, to their repreſentatives. The Lord Chancellor, therefore, grants a commiſſion to inquire into the ſtate of mind of the inſane perſon; and if he be found *non*

* See the Author's Moral and Literary Diſſertations, p. 127, ſecond edit.;—alſo Notes and Illuſtrations, No. XV.

compos, by a jury, he uſually commits the care of his perſon, with a ſuitable allowance for his maintenance, to ſome friend, who is then called his committee."* The phyſician, who has been conſulted about the caſe, will doubtleſs be called upon to deliver an opinion concerning his patient: and before he becomes acceſſary to his deprivation, as it were, of all legal exiſtence, he will weigh attentively the whole circumſtances of the diſorder, the original cauſe of it, the degree in which it ſubſiſts, its duration, and probable continuance. For if the malady be not fixed, great, and permanent, this ſolemn act of law muſt be deemed inexpedient, becauſe it cannot be reverſed without difficulty: and when inſanity has been once formally declared, there may be grounds of apprehenſion, that the party will be conſigned to neglect and oblivion. With regard to the waſte or alienation of property by the perſon thus afflicted, little riſque is incurred, if he be put under the ordinary reſtraint of a judicious *curator*. For whilſt his mind remains in the ſtate of alienation, he is incapable of executing any act with validity; and the next heir or other perſon intereſted may ſet it aſide, on the plea of his incapacity. But the uſe of a guardian or committee of a lunatic is chiefly to renew, in his right, under the direction of the Court of Chancery, any leaſe for lives or years, and to apply the profits for the benefit of the inſane perſon, of his heirs, or executors.

* Blackſtone's Comment. book i. chap. viii.

IV. The law juſtifies the *beating of a lunatic, in such manner as the circumſtances may require.** But it has been before remarked that a phyſician, who attends an aſylum for inſanity, is under an obligation of honour as well as of humanity, to ſecure to the unhappy ſufferers, committed to his charge, all the tenderneſs and indulgence compatible with ſteady and effectual government :† and the ſtrait waiſtcoat, with other improvements in modern practice, now preclude the neceſſity of coercion by corporal puniſhment.

V. Houſes for the reception of lunatics are ſubject to ſtrict regulations of law. Theſe regulations refer to the perſons keeping ſuch houſes, to the admiſſion of patients into them, and to their inſpection by viſitors duly authoriſed and qualified. If any one conceal more than a ſingle lunatic without a licence, he becomes liable to a penalty of five hundred pounds. The licences in the cities of London and Weſtminſter, or within ſeven miles of the metropolis, are granted by the College of Phyſicians; who are empowered to elect five of their fellows to act as commiſſioners for inſpecting the lunatic aſylums within their juriſdiction. Houſes for the reception of lunatics in the country are to be licenſed by the juſtices of the peace, during their quarter-ſeſſions: and at the time when the licence is granted, the magiſtrates are directed to nominate two of their own body, and alſo one phyſician, to viſit and inſpect ſuch licenſed houſes.

* I. Hawkins, 130. Burn's Juſtice, vol. iii. p. 117.

† Chap. i. ſect. xxx.

This inſpection they are empowered to make as often as they judge it to be expedient; and an allowance is to be granted for the expences incurred. The keeper of every licenſed houſe is bound, under the penalty of one hundred pounds, not to admit or confine any perſon as a lunatic, without having a certificate in writing, under the hand and ſeal of ſome phyſician, ſurgeon, or apothecary, that ſuch perſon is proper to be received into the houſe, as being *non compos mentis*. And he is further required, under the ſame penalty, to give notice of this certificate to the ſecretary of the commiſſioners, appointed either by the college of phyſicians, or the magiſtrates at their quarter-ſeſſions. The act of parliament, which eſtabliſhes theſe regulations, ſtates this important proviſo: "That in all proceedings which ſhall be had under his Majeſty's writ of *Habeas Corpus*, and in all indictments, informations, and actions, that ſhall be preferred or brought againſt any perſon or perſons for confining or ill treating any of his Majeſty's ſubjects, in any of the ſaid houſes, the parties complained of ſhall be obliged to juſtify their proceedings according to the courſe of the common law, in the ſame manner as if this act had not been made."*

The legal allowance to a medical commiſſioner, for the viſitation and inſpection of a lunatic-aſylum, is fixed, by the ſtatute, at one guinea. This gratuity, which cannot be regarded as a juſt compenſation for

* See Statutes at Large, vol. viii. 14 Geo. III. c. 49.

the time and trouble beſtowed, it may often be proper to decline. For to a phyſician, of a liberal mind, an inadequate pecuniary acknowledgment is felt as a degradation; but he will be amply remunerated by the conſciouſneſs of having performed an office, enjoined at once by the laws of humanity and of his country.

VI. In the caſe of *ſudden death*, the law has made proviſion for examining into the cauſe of it by the *Coroner*, an officer appointed for the purpoſe, who is empowered to ſummon ſuch evidence as is neceſſary, for the diſcharge of his inquiſitorial and judicial functions. On theſe occaſions, the attendance of a phyſician or ſurgeon may often be required, who ſhould be qualified to give teſtimony conſonant to legal as well as to medical knowledge. To this end he muſt not only be acquainted with the ſigns of natural death, but alſo of thoſe which occur, when it is produced by accident or violence: and he ſhould not be a ſtranger to the ſeveral diſtinctions of homicide, eſtabliſhed in our courts of judicature. For the diviſion of this act into *juſtifiable*, *excuſable*, and *felonious*, will aid his inveſtigation, and give preciſion to the opinion which he delivers.

VII. When a crime, which the law has adjudged to be capital, is attempted to be committed by force, the reſiſtance of ſuch force, even ſo as to occaſion the death of the offender, it deemed *juſtifiable homicide*. Mr. Locke, in his Eſſay on Government, carries this doctrine to a much greater extent; aſſerting, that "all manner of force without a right upon a man's

"perſon puts him in a ſtate of war with the aggreſſor, "and of conſequence, being in ſuch a ſtate of war, "he may lawfully kill him that puts him under this "unnatural reſtraint."* But Judge Blackſtone conſiders this concluſion as applicable only to a ſtate of uncivilized nature; and obſerves, that the law of England is too tender of the public peace, too careful of the life of the ſubject, to adopt ſo contentious a ſyſtem; nor will ſuffer with impunity any crime to be *prevented* by death, unleſs the ſame, if committed, would alſo be puniſhed by death.†

VIII. With caſes of juſtifiable homicide, however, gentlemen of the faculty are ſeldom likely to be profeſſionally concerned. But *excuſable homicide* may frequently fall under their cognizance, and require their deliberate attention, and accurate inveſtigation. It is of two ſorts; either *per infortunium*, by miſadventure; or *se defendendo*, upon a principle of ſelf-preſervation. Death may be the conſequence of a lawful act, done without any intention of hurt. Thus if an officer, in the correction of a ſoldier, happen to occaſion his death, it is only miſadventure; ‡ the puniſhment being lawful. But if the correction be unwarrantably ſevere, either in the manner, the inſtrument, or the duration of puniſhment, and death enſue, the offender is at leaſt guilty of manſlaughter, and in ſome circumſtances, of murder: a ſurgeon,

* Eſſay on Government, Part ii. ch. iii.

† Blackſtone's Comment. book iv. ch. xiv. ‡ Ibid.

therefore, is uſually preſent, when ſoldiers are chaſtiſed with the laſh in purſuance of the ſentence of a court-martial; and on his teſtimony muſt depend the juſtification of the mode and degree of puniſhment inflicted.—When medicines adminiſtered to a ſick patient, with an honeſt deſign, to produce the allevia tion of his pain, or cure of his diſeaſe, occaſion death, this is miſadventure, in the view of the law; and the phyſician or ſurgeon who directed them, is not liable to puniſhment criminally, though a civil action might formally lie for neglect or ignorance.* But it hath been holden that ſuch immunity is confined to *regular* phyſicians and ſurgeons. Sir Matthew Hale, however, juſtly queſtions the legality of this determination; ſince phyſic and ſalves were in uſe before licenſed phyſicians and ſurgeons. "Wherefore he "treats the doctrine as apocryphal, and fitted only to "qualify and flatter licenciates and doctors in phyſic; "though it may be of uſe to make people cautious "how they meddle too much in ſo dangerous an em-"ployment." The college of phyſicians, however, within their juriſdiction, which extends ſeven miles round London, are veſted by charter with the power of fine and impriſonment *pro mala praxi.* Yet Dr. Groenvelt, who was cited, in the year 1693, before the Cenſors of the College, and committed to Newgate, by a warrant from the preſident, for preſcribing *cantharides* in ſubſtance, was acquitted on the plea

* Conſult "Eſprit des Loix," lib. xxix. ch. xiv.

that bad practice must be accompanied with a bad intention, to render it criminal. This prosecution, whilst it ruined the doctor's reputation, and injured his fortune, so that he is said to have died in want, excited general attention to the remedy, and afterwards established the use of it: though it must be acknowledged that his doses were too bold and hazardous. But whatever be the indulgence of the law towards medical practitioners, they are bound by a higher authority than that of the most solemn statute, not to exercise the healing art without due knowledge, tenderness, and discretion: And every rash experiment, every mistake originating from gross inattention, or from that ignorance which necessarily results from defective education, is, in the eye of conscience, a crime both against God and man.

It must frequently devolve on the faculty to decide concerning the nature and effects of blows, strokes, or wounds inflicted; and how far the death of the sufferer is to be ascribed to them, or to some antecedent or subsequent disease. In homicide, also, *se defendendo*, the manner and time of the defence are to be considered. For if the person assaulted fall upon the aggressor, when the fray is over and he is running away, this is revenge and not defence: and though no witness were present, the situation of the wound or of the blow would afford, if in the back of the assailant, presumptive evidence of *felonious homicide*.

IX. This crime, which in atrocity exceeds every other, is conſidered by the law under the three heads of *ſuicide*, *manſlaughter*, and *murder*; concerning each of which the faculty are occaſionally obliged to give profeſſional evidence. A *felo de se* is one who has deliberately put an end to his exiſtence, or committed any unlawful malicious act, the immediate conſequence of which proved death to himſelf. To conſtitute this act a crime, the party muſt have been of years of diſcretion, and in the poſſeſſion of reaſon. A phyſician, therefore, may be called upon, by the coroner, to ſtate his opinion of the mental capacity of the defunct: and the law will not authoriſe the plea, that every melancholic or hypochrondriac fit deprives a man of the power of diſcerning right from wrong. Even if a lunatic kill himſelf in a lucid interval, Sir M. Hale affirms that he is a *felo de se:* And the phyſician who has attended him, is beſt qualified to judge of the degree, the duration, or periodical ſeaſons of ſuch returns of ſanity. But there are caſes of temporary diſtraction, when death may be ruſhed upon apparently with deſign, but really from the influence of terror, or the want of that preſence of mind, which is neceſſary to the exerciſe of judgment, and the diſcrimination of actual from imaginary evil. Of this kind the reader will find an affecting inſtance, related by Dr. Hunter, in the Medical Obſervations and Inquiries publiſhed by a Society of Phyſicians, in London."*

* Vol. vi. p. 279.

X. *Manſlaughter* is defined "the unlawful killing "of another, without malice, expreſs or implied; "which may be either *voluntarily*, upon a ſudden "heat; or *involuntarily*, but in the commiſſion of "ſome unlawful act." Yet though this definition is delivered from Sir Matthew Hale, by the excellent commentator on the laws of England ſo often quoted, it is not ſufficiently preciſe and comprehenſive. For when a perſon does an act lawful in itſelf, but which proves fatal to a fellow-citizen, becauſe done without due circumſpection, it may, according to circumſtances, be either miſadventure, manſlaughter, or murder. Thus when a workman kills any one, by flinging down a ſtone or piece of timber into the ſtreet, if the accident be in a country village, where there are few paſſengers, and if he give warning by calling out to them, it is only miſadventure: But if it be in London, or any other populous town, where perſons are continually paſſing, it is manſlaughter, though warning be loudly given: And it is murder, if he know of their paſſing, and yet gives no warning; for this is malice againſt all mankind.*

On the like grounds we may reaſon concerning the caſes of death, occaſioned by drugs deſigned to produce abortion. This purpoſe is not always unlawful: for the configuration of the *pelvis* in ſome females is ſuch as to render the birth of a full-grown child impoſſible, or inevitably fatal. But even in

* Blackſtone's Comment. book. iv. ch. xiv.

ſuch inſtances the guilt of manſlaughter may be incurred by ignorance of the draſtic quality of the medicine preſcribed, or want of due caution in the doſe adminiſtered: and when no moral or ſalutary end is in view, the ſimple act itſelf, if fatal in the iſſue, falls under the denomination of murder.† "If a "woman be quick with child, and, by a potion or "otherwiſe, killeth it in her womb, this is a great "miſpriſion, yet no murder: but if the child be born "alive, and dieth of the potion or other cauſe, this "is murder."‡ The procuring of abortions was common amongſt the Romans; and it is ſaid, was liable to no penalty before the reigns of Severus and Antoninus. Even thoſe princes made it criminal only in the caſe of a married woman practiſing it to defraud her huſband of the comforts of children, from motives of reſentment. For the *fœtus* being regarded as a portion of the womb of the mother, ſhe was ſuppoſed to have an equal and full right over both. This falſe opinion may have its influence in modern, as well as in ancient times; and falſe it muſt be deemed, ſince no female can be privileged to injure her own bowels, much leſs the *fœtus*, which is now well known to conſtitute no part of them. To extinguiſh the firſt ſpark of life is a crime of the ſame nature, both againſt our Maker and ſociety, as to deſtroy an infant, a child, or a man; theſe regular and ſucceſſive ſtages of exiſtence being the ordinances of

† See Burn's Juſtice of Peace, vol. i. page 216.
‡ Id. vol. ii. p. 110.

God, ſubject alone to his divine will, and appointed by ſovereign wiſdom and goodneſs as the excluſive means of preſerving the race, and multiplying the enjoyments, of mankind. Hence the father of phyſic, in the oath enjoined on his pupils, which ſome univerſities now impoſe on the candidates for medical degrees, obliged them ſolemnly to abjure the practice of adminiſtering the τεσσος φθοριος. But in weighing the charge againſt any perſon of having procured abortion, the methods employed ſhould be attentively conſidered by the faculty; as this effect has often been aſcribed to cauſes inadequate to its production. Even the peſſary, ſo ſanctimoniouſly forbidden by Hippocrates, has little of that activity and power, which ſuperſtition aſſigned to it.

XI. The law of England guards, with aſſiduous care, the lives of infants, when endangered by motives which counteract, and too often overbalance, the ſtrong operation of maternal love. In caſes of *baſtardy*, therefore, it is declared, by a ſtatute paſſed in the reign of James I. that "If any woman be de-
"livered of any iſſue of her body, male or female,
"which being born alive, ſhould by the laws of this
"realm be a baſtard, and ſhe endeavour privately,
"either by drowning, or ſecret burying thereof, or
"any other way, either by herſelf, or the procuring
"of others, ſo to conceal the death thereof, as that
"it may not come to light whether it was born alive
"or not, but be concealed, ſhe ſhall ſuffer death, as
"in caſe of murder; except ſhe can prove, by one

" witneſs at leaſt, that the child was born dead."* This law, though humane in its principle, is much too ſevere in its conſtruction. To give certainty to puniſhment, by facilitating conviction, is doubtleſs an eſſential object of juriſprudence: and it has been well obſerved, that the ſtatute, which made the poſſeſſion of the implements of coining a capital offence, by conſtituting ſuch poſſeſſion complete evidence of guilt, has proved the moſt effectual mean of enforcing the denunciation of law againſt this dangerous and tempting crime.† But the analogy, which the able moraliſt has drawn between this ordinance and that relating to baſtardy, is not fully concluſive. For poſſeſſion, in the former caſe, clearly implies a ſpecific purpoſe, for which the legiſlature, with ſufficient wiſdom and juſtice, has provided a ſpecific puniſhment: whereas ſecrecy in the mother, concerning the death of her illegitimate offspring, hardly amounts to the loweſt degree of preſumptive evidence of felonious homicide. Gentlemen of the faculty have often melancholy experience of the diſtraction and miſery, which females ſuffer under theſe unhappy circumſtances: and when it becomes their painful office to deliver evidence on ſuch occaſions, juſtice and humanity require, that they ſhould ſcrutinize the whole truth, and *nothing extenuate, nor ſet down aught in malice.* " What is commonly underſtood to be the murder of " a baſtard child by the mother," ſays Dr. Hunter,

* Burn's Juſtice, vol. i. p. 216.

† See Paley's Moral and Political Philoſophy, 4to. p. 350.

" if the real circumſtances were fully known, would
" be allowed to be a very different crime in different
" circumſtances. In ſome (it is to be hoped *rare*)
" inſtances, it is a crime of the very deepeſt dye." . . .
" But, as well as I can judge, the greateſt number of
" what are called murders of baſtard children, are of a
" very different kind. The mother has an uncon-
" querable ſenſe of ſhame, and pants after the pre-
" ſervation of character: ſo far ſhe is virtuous and
" amiable. She has not the reſolution to meet and
" avow infamy. In proportion as ſhe loſes the hope
" either of having been miſtaken with regard to
" pregnancy, or of being relieved from her terrors by
" a fortunate miſcarriage, ſhe every day ſees her dan-
" ger greater and nearer, and her mind overwhelmed
" with terror and deſpair. In this ſituation many
" of theſe women, who are afterwards accuſed of
" murder, would deſtroy themſelves, if they did not
" know that ſuch an action would infallibly lead to
" an inquiry, which would proclaim what they are
" ſo anxious to conceal. In this perplexity, and
" meaning nothing leſs than the murder of the in-
" fant, they are meditating different ſchemes for con-
" cealing the death of the child; but are wavering
" between difficulties on all ſides, putting the evil
" hour off, and truſting too much to chance and for-
" tune. In that ſtate often they are overtaken be-
" fore they expect it; their ſchemes are fruſtrated;
" their diſtreſs of body and mind deprives them of
" all judgment and rational conduct; they are deli-

" vered by themſelves wherever they happen to retire " in their fright or confuſion; ſometimes dying in the " agonies of child-birth; and ſometimes being quite " exhauſted, they faint away, and become inſenſible " of what is paſſing; and when they recover a little " ſtrength, find that the child, whether ſtill-born or " not, is completely lifeleſs. In ſuch a caſe, is it to " be expected, when it would anſwer no purpoſe, " that a woman ſhould divulge the ſecret? Will not " the beſt diſpoſitions of mind urge her to preſerve " her character? She will therefore hide every ap- " pearance of what has happened as well as ſhe can, " though, if the diſcovery be made, that conduct will " be ſet down as a proof of her guilt." . . . " Here " let us ſuppoſe a caſe, which every body will " allow to be very poſſible:—An unmarried wo- " man becoming pregnant is ſtriving to conceal her " ſhame, and laying the beſt ſcheme that ſhe can " deviſe, for ſaving her own life and that of the child, " and at the ſame time concealing the ſecret; but her " plan is at once diſconcerted by her being taken ill " by herſelf, and delivered of a dead child. If the " law puniſh ſuch a woman with death for con- " cealing her ſhame, does it not require more from " human nature, than weak human nature can bear? " In a caſe ſo circumſtanced, ſurely the only crime is " the having been pregnant, which the law does not " mean to puniſh with death; and the attempt to " conceal it by fair means ſhould not be puniſhable

" with death, as that attempt ſeems to ariſe from a " principle of virtuous ſhame."*

The obſervations here quoted have a juſt claim to attention, from the extenſive experience which the author poſſeſſed, and ſtill more from his intimate knowledge of the female character. Yet to the moral and political philoſopher, Dr. Hunter may appear to have exalted the ſenſe of ſhame into the principle of virtue; and to have miſtaken the great end of penal law, which is not vengeance, but the prevention of crimes. The ſtatute, indeed, which makes the concealment of the birth of a baſtard child full proof of murder, confounds all diſtinctions of innocence and guilt; as ſuch concealment, whenever practicable, would be the wiſh and act of all mothers, amiable or vicious, under the ſame unhappy predicament. Law, however, which is the guardian and bulwark of the public weal, muſt maintain a ſteady and even rigid watch over the general tendencies of human actions: and when theſe are not only clearly underſtood, but interpreted according to the rules of wiſdom and rectitude, that may juſtly be conſtituted a civil crime, which, if permitted, might give occaſion to atrocious guilt, though in its own nature innocent. The meaſure of puniſhment, however, ſhould be proportionate, as nearly as poſſible, to the temptation to offend, and to the kind and degree of evil produced by the offence. If inadequate to the former, it will be nugatory; and if too ſevere for the latter,

* Med. Obſ. and Inq. vol. vi. p. 271, et ſeq.

it will defeat itſelf, by furniſhing a juſt plea for ſuperſeding its execution.* A reviſion of our ſanguinary ſtatutes is much wanted; and it would be happy if means could be deviſed of ſuppreſſing the puniſhment, by obviating the crime, when it is merely poſitive or municipal. This we have ſeen accompliſhed with reſpect to the coinage of money, by the ſimple introduction of a ſtandard weight in the payment of gold: and a ſagacious legiſlator might doubtleſs diſcover and adopt ſimilar improvements in other branches of penal juriſprudence.

Much obſervation is required to diſcriminate between a child ſtill-born, and one that has lived after birth only a ſhort ſpace of time. Various appearances, alſo, both internal and external, may be miſtaken for marks of violent death. Even the ſwimming of the lungs in water, a teſt on which ſo much reliance is placed, will, on many occaſions, be found fallacious. But theſe are points of profeſſional ſcience, which do not ſtrictly fall under the ſubject of this ſection; and the reader is particularly referred to the paper already quoted, and alſo to the *Elementa Medicinæ Forenſis Joh. Fred. Faſelii;* or to a valuable epitome of the ſame work in Engliſh by Dr. Farr.†

* "L' atrocité des lois en empêche l'exécution.
"Lorſque la peine eſt ſans meſure, on eſt ſouvent obligé de lui préférer l'impunité."——MONTESQUIEU.

† Elements of Medical Juriſprudence; or a ſuccinct and compendious Deſcription of ſuch Tokens in the Human Body, as are requiſite to determine the Judgment of a Coroner, and of Courts of Law, in Caſes of Divorce, Rape, Murder, &c. London, Becket, 1788.

XII. *Duelling* is another ſpecies of felony, even though the conſequences of it ſhould not prove fatal: and gentlemen of the faculty are peculiarly intereſted in the knowledge of the laws relating to it; becauſe they are not only liable to be ſummoned on the trial of the parties, if either or both of them be wounded, but are frequently profeſſional attendants on them in the field of combat. It is aſtoniſhing that a practice, which originated in ages of Gothic ignorance, ſuperſtition, and barbariſm, ſhould be continued in the preſent enlightened period, though condemned by the ordinances of every ſtate, and repugnant to the ſpirit and precepts of Chriſtianity. Sir Francis Bacon, when attorney-general, in the reign of James I. delivered a charge, before the court of Star-Chamber, touching duels, which gives a clear and animated view of the light in which they were then regarded. "The firſt "motive," he ſays, "is a falſe and erroneous ima- "gination of honour and credit; and therefore the "king, in his proclamation, doth moſt aptly call them "*bewitching duels*. For if one judge of it truly, it is "no better than a ſorcery, that enchanteth the ſpi- "rits of young men; and a kind of ſatanical illuſion "and apparition of honour againſt religion, againſt "law, and againſt moral virtue. Hereunto may be "added, that men have almoſt loſt the true notion "and underſtanding of fortitude and valour. For "fortitude diſtinguiſheth of the grounds of quarrels, "whether they be juſt; and not only ſo, but whether "they be worthy; and ſetteth a better price upon

" men's lives than to beſtow them idly. Nay, it is " weakneſs and diſeſteem of a man's ſelf, to put a " man's life upon ſuch liedger performances: a man's " life is not to be trifled away; it is to be offered up " and ſacrificed to honourable ſervices, public merits, " good cauſes, and noble adventures. It is in expence " of blood, as it is in expence of money; it is no " liberality to make a profuſion of money upon every " vain occaſion; nor no more is it fortitude to make " effuſion of blood, except the cauſe be of worth."*

The decree of the Star-Chamber againſt Prieſt and Wright, the objects of Sir Francis Bacon's charge, was, that they ſhould both be committed to priſon; that the former ſhould be fined 500l. and the latter 500 marks; and that at the next aſſizes they ſhould publickly acknowledge their high contempt of and offence againſt GOD, the king's majeſty, and his laws, ſhewing themſelves penitent for the ſame.—Though this judgment appears to have been founded in wiſdom and equity, yet, happily for our country, the court, which paſſed the ſentence, has been long ſuppreſſed; and we are now governed not by arbitrary will, but by known and fixed laws. Thoſe which ſubſiſt againſt duelling, I ſhall quote on the authorities of Foſter, Blackſtone, Hawkins, and Burn. " Deliberate duelling, if death enſueth, is, in the " eye of the law, murder; for duels are generally " founded in deep revenge; and though a perſon " ſhould be drawn into a duel, not upon a motive ſo

* Bacon's Works, 4to. Birch's edit. vol. ii. p. 565.

"so criminal, but merely upon the punctilio of what "the swordsmen falsely call honour, that will not "excuse; for he that deliberately seeketh the blood "of another upon a private quarrel, acteth in defi- "ance of all laws human and divine."* "Express "malice is when one, with a sedate deliberate mind "and formed design, doth kill another. This takes "in the case of deliberate duelling, where both par- "ties meet avowedly, with any intent to murder; "thinking it their duty as gentlemen, and claiming it "as their right, to wanton with their own lives, and "those of their fellow-creatures, without any war- "rant or authority from any power either human or "divine, but in direct contradiction to the laws both of "GOD and man. And therefore, the law has justly "fixed the crime and punishment of murder on them, "and on their seconds also."†—"The law so abhors "all duelling in cold blood, that not only the prin- "cipal who actually kills the other, but also his "seconds, are guilty of murder, whether they fought "or not: and it is holden that the seconds of the "party slain are also guilty as accessaries."‡ From variations in the moral and intellectual character of man, it is impossible to ascertain the precise period, when the passions may be supposed to become cool, after having been violently agitated. Judgment,

* Sir Michael Foster's Reports, 8vo. p. 297.

† Blackstone's Comment. book iv. ch. xiv.

‡ I. Hawkins, 82; and Burn's Justice, vol. ii. p. 509.

therefore, muſt be founded on the circumſtances of deliberation, which are delivered in the courſe of evidence. In many caſes, it has been determined that death, in conſequence of an appointment and meeting, a few hours ſubſequent to the provocation, is murder.*

XIII. Before a ſurgeon engage profeſſionally to *attend* a *duelliſt* to the *field* of *combat*, it behoves him to conſider well, not only how far he is about to countenance a deliberate violation of the duties of morality and religion; but whether, in the conſtruction of law, he may not be deemed an aider and abettor of a crime, which involves in it ſuch turpitude, that death is alike denounced againſt the principal and the acceſſary. Does he not voluntarily put himſelf into a predicament ſimilar, in many eſſential points, to that of the *ſecond*, who is expreſsly condemned by the legiſlature of this country? Both are apprized of the purpoſe to commit an act of felony; both take an intereſt in the circumſtances attendant upon it; and both are preſent during the execution; the one to regulate its antecedents, the other to alleviate its conſequences. But I ſuggeſt theſe conſiderations with much diffidence; and though I obſerve ſome paſſages in Sir Michael Foſter's Diſcourſe concerning Accomplices, which ſeem to confirm them; yet it may be proper to quote the following, apparently adverſe, opinion of this excellent judge. "In

* See Legg's ca. Kelyng, 27; Eden's Principles of Penal Law, p. 224.

" order to render a perſon an accomplice and a prin-
" cipal in felony, he muſt be aiding and abetting at
" the fact, or ready to afford aſſiſtance, if neceſſary.
" And therefore, if A happeneth to be preſent at a
" murder, for inſtance, and taketh no part in it, nor
" endeavoureth to prevent it, nor apprehendeth the
" murderer, nor levieth hue and cry after him; this
" ſtrange behaviour of his, though highly criminal,
" will not of itſelf render him either principal or
" acceſſary."*

But whatever be the objections againſt the attendance of a ſurgeon in the field of combat, they cannot be conſtrued to extend to the affording of all poſſible aſſiſtance to any unfortunate ſufferer in an affair of honour; provided ſuch aſſiſtance be not preconcerted, but required as in ordinary accidents or emergencies. For in the offices of the healing art, no diſcrimination can be made, either of occaſions or of characters: and it muſt be acknowledged, that many of the victims of duelling have been men, from their talents and virtues, poſſeſſing the juſteſt claim to aſſiduous and tender attention. That lives of ſuch ineſtimable value to their friends, to their families, and to the public, ſhould be at the mercy of any profligate rake, who wantonly gives affronts, or idly fancies he receives them, is a great aggravation of the folly, as well as of the guilt of duelling. This reflection ſeems to ſhew the propriety of a change in the penal code,

* Foſter's Crown Law, 8vo. p. 350.

reſpecting it; and that the puniſhment inflicted ſhould be confined to the aggreſſor; ſtrict inquiſition into the circumſtances of the caſe being previouſly made by the coroner, or ſome magiſtrate authorized and bound to exerciſe this important truſt. And he may, with reaſon, be regarded as the aggreſſor, who either violates the rules of decorum, by any unprovoked rudeneſs or inſult; or who converts into an offence what was intended only as convivial pleaſantry.*

XIV. A phyſician has no ſpecial intereſt in an acquaintance with the ſtatutes relative to duelling. But as he poſſeſſes the rank of a gentleman, both by his liberal education and profeſſion, the *law of honour*, if that may be termed a law which is indefinite and arbitrary, has a claim to his ſerious ſtudy and attention: as a philoſopher, alſo, it becomes him to trace its origin, and to inveſtigate the principles on which it is founded: and as a moraliſt, duty calls upon him to counteract its baneful influence and aſcendancy. For, in principle, it is diſtinct from virtue; and, as a practical rule, it extends only to certain formalities and decorums, of little importance in the tranſactions of life, and which are ſpontaneouſly obſerved by thoſe, who are actuated with the true ſenſe of propriety and rectitude. Genuine honour, in its full extent, may be defined a quick perception and ſtrong feeling of moral obligation, in conjunction with an acute ſenſibility to ſhame, reproach, or infamy. In different

* See Notes and Illuſtrations, No. XVI.

characters, theſe conſtituent parts of the principle are found to exiſt in proportions ſo diverſified, as ſometimes to appear almoſt ſingle and detached. The former always *aids and ſtrengthens virtue*; the latter may occaſionally *imitate her actions*,* when faſhion happily countenances, or high example prompts to rectitude. But being connected, for the moſt part, with a jealous pride and capricious irritability, it will be more ſhocked with the *imputation*, than with the *commiſſion* of what is wrong. And thus it will conſtitute that ſpurious honour, which, by a perverſion of the laws of aſſociation, *puts evil for good, and good for evil;* and, under the ſanction of a name, perpetrates crimes without remorſe, and even without ignominy.†

XV. *Homicide* by *poiſon* is another very important object of medical juriſprudence. When it is the effect of inadvertency, or the want of adequate caution, in the uſe of ſubſtances dangerous to health and life, the law regards it as a miſdemeanour: When it is the conſequence of raſhneſs, of wanton experiment, or of motives unjuſt, though not malicious,‡ it be-

* Addiſon's Cato.

† See the Author's Mor. and Lit. Diſſ. p. 295, 2d edit.

‡ "If an action unlawful itſelf be done deliberately, and *with "intention of miſchief*, or great bodily harm to particulars, or of "miſchief indiſcriminately, fall it where it may, and death enſue "againſt or beſide the original intention of the party, it will be "murder. But if ſuch *miſchievous intention* doth not appear, which "is matter of fact, and *to be collected from circumſtances*, and the "act was done heedleſsly and incautiouſly, it will be manſlaughter; "not accidental death, becauſe the act which enſued was unlawful." Foſter, p. 261.

comes manſlaughter: And when the expreſs purpoſe is to kill, by means of ſome deleterious drug, it conſtitutes a moſt atrocious ſpecies of murder. In caſes of this nature, the faculty are called upon to give evidence concerning the nature of the poiſon, the ſymptoms produced by it, and the actual fatality of its operation. The period of this fatal operation is extended, as in the infliction of blows and wounds, to a year and a day. But if it be, the moſt nice and accurate inveſtigation of the progreſſive advances of diſeaſe and death will be incumbent on the phyſician or ſurgeon, who is conſulted on the occaſion. No ſubject has given riſe to more miſconception and ſuperſtition, than the action of poiſons. Numberleſs ſubſtances have been claſſed as ſuch, which, if not inert, are at leaſt innoxious; and powers have been aſcribed to others, far exceeding their real energy. Even Lord Verulam, the great luminary of ſcience, in his charge againſt the Earl of Somerſet, for the murder of Sir Thomas Overbury, in the Tower of London, ſeems to give credit to the ſtory of Livia, who is ſaid to have poiſoned the figs upon the tree, which her huſband was wont to gather with his own hands. And he ſeriouſly ſtates, that "Weſton "chaſed the poor priſoner with poiſon after poiſon; "poiſoning ſalts, poiſoning meats, poiſoning ſweet-"meats, poiſoning medicines and vomits, until at laſt "his body was almoſt come, by the uſe of poiſons, "to the ſtate that Mithridates's body was by the "uſe of treacle and preſervatives, that the force of

" the poiſons was blunted upon him: Weſton con-
" feſſing, when he was tried for not diſpatching him,
" that he had given enough to poiſon twenty men."*
In this criminal tranſaction the truth probably was, what has been judiciouſly ſuggeſted by Rapin, that the lieutenant of the tower, refuſing to be concerned in the crime, yet not daring to diſcover it, from the fear of the Viſcount Rocheſter's reſentment, ſeized the victuals ſent from time to time for the priſoner, and threw them into the houſe of office. Sir Thomas Overbury, however, fell a victim at laſt to an empoiſoned glyſter.

When the particular drug, or other mean employed, can be accurately aſcertained, its deleterious qualities ſhould be fully inveſtigated; and theſe ſhould be cautiouſly compared with the effects aſcribed to it, in the caſe under conſideration. It may often be expedient, alſo, to examine the body of the ſufferer by diſſection; and this ſhould be accompliſhed as expeditiouſly as poſſible; that the changes imputed to death may not be confounded with thoſe which are imputed to poiſon. But on ſuch points reference can alone be made to the knowledge and experience of the practitioner, and to the lights which he may acquire by conſulting Faſelius, and other works of a ſimilar nature. I ſhall, therefore, cloſe this article with a few paſſages of the charge of Mr. Juſtice Buller to the grand jury, relative to the trial of

* Bacon's Works, vol. ii. p. 614.

Capt. Donellan, for the murder of Sir Theodoſius Boughton, at the Warwick aſſizes, in March 1781. "In this caſe, gentlemen," he ſays, "you will have "two objects to conſider; firſt, whether the deceaſed "did die of *poiſon?* ſecondly, whether the perſon "ſuſpected did aſſiſt in *adminiſtering* the poiſon? "With reſpect to the firſt of theſe conſiderations, "you will, no doubt, *hear the ſentiments of thoſe who "are ſkilled in the nature and effects of poiſon*, which "is of various ſorts, and moſt ſubtile in its operation. "From the *information* of ſuch perſons you will be "able to form an opinion of the effects which *different "poiſons* have on *different perſons;* and alſo the effects "the *ſame poiſons* have on perſons of *different habits "and conſtitutions.* If you find he did get his death "by poiſon; the next caſe is, to conſider who gave "him that poiſon? Where poiſon is knowingly given, "and death enſues, it is wilful murder; and if one "*who knows what is intended*, be preſent, when "poiſon is given by another, he is not an acceſſary, "but a principal."*

XVI. In all civilized countries, the honour and chaſtity of the female ſex are guarded from violence, by the ſevereſt ſanctions of law. And this protection is at once humane, juſt, and neceſſary to ſocial morality. It is conſonant to humanity that weakneſs ſhould be ſecure againſt the attacks of brutal ſtrength: it is juſt that the moſt ſacred of all perſonal property

* Hiſt. Sketches of Civil Liberty, p. 209.

ſhould be preſerved from invaſion:—and it is eſſential to morality that licentious paſſion ſhould be reſtrained; that modeſty ſhould not be wounded; nor the mind contaminated, in ſome inſtances, before it is capable of forming adequate conceptions of right and wrong. The crime of *rape*, therefore, ſubjects the perpetrator to condign puniſhment by every code of juriſprudence, ancient or modern.* Amongſt the Jews death was inflicted, if the damſel were betrothed to another man: and if not betrothed, a fine, amounting to fifty ſhekels of ſilver, was to be paid to her father by him who had *laid hold of the virgin*, and ſhe was to become his wife: and becauſe *he had humbled her, he might not put her away all his days*:† for the privilege of divorce was authorized by the Jewiſh inſtitutions. The Romans made this offence capital, ſuperadding the confiſcation of goods. Even the carrying-off a woman from her parents or guardians, and cohabiting with her, whether accompliſhed by force, or with her full conſent, were made equally penal with a rape, by an imperial edict. For the Roman law ſeems to have ſuppoſed, that women never deviate from virtue, without being ſeduced by the arts of the other ſex: and, therefore, by impoſing a powerful reſtraint on the ſolicitations of men, they aimed at a more effectual ſecurity of the chaſtity of women. *Niſi etenim eam ſolicitaverit, niſi odioſis*

* See Notes and Illuſtrations, No. XVII.

† Deuteronomy xxii. 28, 29.

artibus circumvenerit, non faciet eam velle in tantum dedecus ſeſe prodere. But the Engliſh law, as Judge Blackſtone has obſerved, does not entertain ſuch ſublime ideas of the honour of either ſex, as to lay the blame of a mutual fault on one only of the transgreſſors: and it is, therefore, eſſential to the crime of rape, that the woman's will is violated by the execution. But, by a ſtatute of Queen Elizabeth, if the crime be perpetrated on a female child under the age of *ten* years, the conſent or non-conſent is immaterial, as ſhe is ſuppoſed to be of inſufficient judgment. Sir Matthew Hale is even of opinion, that ſuch profligacy committed on an infant under *twelve* years, the age of female diſcretion by common law, either with or without conſent, amounts to a rape and felony. But the deciſions of the courts have, generally, been founded on the ſtatute abovementioned.

A male infant, under the age of fourteen years, is deemed, by the law, incapable of committing, and therefore cannot be found guilty of a rape, from a preſumed imbecility both of body and mind. This deteſtable crime being executed in ſecrecy, and the knowledge of it being confined to the party injured, it is juſt that her ſingle teſtimony ſhould be adducible in proof of the fact. Yet the excellent obſervation of Sir Matthew Hale merits peculiar attention: "It "is an accuſation," ſays he, "eaſy to be made, and "harder to be proved; but harder to be defended "by the party accuſed, though innocent." He then

relates two extraordinary caſes of malicious proſecution for this crime, which had fallen under his own cognizance; and concludes, "I mention theſe inſtances, that we may be more cautious upon trials of offences of this nature, wherein the court and jury may, with ſo much eaſe, be impoſed upon, without great care and vigilance; the heinouſneſs of the offence many times tranſporting the judge and jury with ſo much indignation, that they are overhaſtily carried to the conviction of the perſon accuſed thereof, by the confident teſtimony of ſometimes falſe and malicious witneſſes." Collateral and concurrent circumſtances of time and place;* appearances of violence on examination, &c. are, therefore, neceſſary to be added to the mere affirmative evidence of the proſecutor. And the inſpection of a ſurgeon is often required, to aſcertain the reality of the alleged violence. On ſuch occaſions, his teſtimony ſhould be given with all poſſible delicacy, as well as with the utmoſt caution. Even external ſigns of injury may originate from diſeaſe, of which the following examples, which have occurred in Manchester, are adduced on very reſpectable authorities.

A girl, about four years of age, was admitted into the Manchester Infirmary, on account of a mortification in the female organs, attended with great ſoreneſs and general depreſſion of ſtrength. She had

* Theſe circumſtances are particularly adverted to in the Moſaic Law. See Deut. xxii. 25, 26, 27.

been in bed with a boy, fourteen years old; and there was reaſon to ſuſpect, that he had taken criminal liberties with her. The mortification increaſed, and the child died. The boy, therefore, was apprehended, and tried at the Lancaſter aſſizes; but was acquitted on ſufficient evidence, that ſeveral inſtances of a ſimilar diſeaſe had appeared, near the ſame period of time, in which there was no poſſibility of injury or guilt. In one of theſe caſes the body was opened after death. The diſorder had been a *typhus* fever, accompanied with the mortification of the *pudenda*. There was no evident cauſe of this extraordinary ſymptom diſcoverable on inſpection. The lumbar glands were of a dark colour; but all the *viſcera* were ſound.*

XVII. Concerning *nuiſances*, the inveſtigation and teſtimony of the faculty may be required, whenever they are of a nature offenſive by the vapours which they emit, and injurious to the health of individuals, or of the community. The law defines any thing that worketh hurt, inconvenience, or damage, to be a nuiſance.† Thus if a perſon keep hogs, or other noiſome animals, ſo near the houſe of another, that the ſtench incommodes him, and renders the air unwholeſome, this is a nuiſance; becauſe it deprives him of the enjoyments and benefits of his habitation. A ſmelting-houſe for lead, the ſmoke of which kills

* See Notes and Illuſtrations, No. XVIII.

† See Blackſtone's Comment. book iii. ch. xiii.; and book iv. ch. xiii.

the graſs and corn, and injures the cattle of a neighbouring proprietor of land, is deemed a nuiſance. Dye-houſes, tanning-yards, &c. are nuiſances, if erected ſo near a water-courſe, as to corrupt the ſtream. But a chandler's factory, even when ſituated in a crowded town, is ſaid to be privileged from action or indictment, becauſe candles are regarded as neceſſaries of life. Hawkins, however, queſtions the authority of this opinion, ſince the making of candles may be carried on in the country without annoyance.† But this is ſcarcely practicable in a populous neighbourhood: and as Lord Mansfield has adjudged, that, in ſuch caſes, what makes the enjoyment of being and property uncomfortable is, in the view of the law, a nuiſance;* various works and trades, eſſential to the happineſs and intereſt of the community, may fall under this conſtruction. But chemiſtry, mechanics, and other arts and ſciences, furniſh methods of diminiſhing or obviating almoſt every ſpecies of noiſome vapour: and there can be no doubt that vitriol works, aquafortis works, marine acid bleaching-works, the ſingeing of velvets, &c. may be carried on with very little inconvenience to a neighbourhood, by means neither difficult nor expenſive. The ſame obſervation may be applied to the buſineſs of the dyer, the fell-monger, the tanner, the butcher, and the chandler: and as theſe, with many other diſguſtful trades are, in ſome degree, neceſſary in large towns, juſtice and policy require,

† 1 Hawk. 199. Burn's Juſtice, vol. iii. p. 239.

* Burron. Mansfield, 333. Burn U. S.

that they ſhould only be proſecuted as nuiſances, when not conducted in the leaſt offenſive mode poſſible. To guard againſt arbitrary powers in municipal government, and to render the deciſion and inveſtigation of ſuch points perfectly conſiſtent with the liberty of the ſubject, the reference ſhould be made to a jury; or at leaſt, any individual ſhould be allowed an appeal to one, if he think himſelf aggrieved.

The frequency of fires, in large manufacturing towns, makes it expedient that magiſtrates, or commiſſioners, ſhould be authorized to ſcrutinize rigidly into the cauſes of them, when they occur; to puniſh neglect or careleſſneſs, as well as malicious intention; and to enforce ſuitable meaſures of prevention. The plans propoſed for this laſt very important purpoſe by Mr. Hartley and Lord Stanhope have been proved to be effectual, and are not expenſive. The adoption of them, therefore, or of other means which may hereafter be diſcovered, ſhould be required, under a heavy penalty, in caſes deemed by inſurers *doubly hazardous*.

XVIII. It is a complaint made by coroners, magiſtrates, and judges, that medical gentlemen are often reluctant in the performance of the offices required from them as citizens qualified, by profeſſional knowledge, to aid the execution of public juſtice. Theſe offices, it muſt be confeſſed, are generally painful, always inconvenient, and occaſion an interruption to buſineſs, of a nature not to be eaſily appreciated or compenſated. But as they admit of no ſubſtitution,

they are to be regarded as appropriate debts to the community, which neither equity nor patriotiſm will allow to be cancelled.

When a phyſician or ſurgeon is called to give evidence, he ſhould avoid, as much as poſſible, all obſcure and technical terms, and the unneceſſary diſplay of medical erudition. He ſhould deliver, alſo, what he advances, in the pureſt aud moſt delicate language, conſiſtent with the nature of the ſubject in queſtion.—When two or more gentlemen of the faculty are to offer their opinions or teſtimony, it would ſometimes tend to obviate contrariety, if they were to confer freely with each other before their public examination. Intelligent and honeſt men, fully acquainted with their reſpective means of information, are much leſs likely to differ, than when no communication has previouſly taken place. Several years ago, a trial of conſiderable conſequence occurred, relative to a large copper work; and two phyſicians of eminence were ſummoned to the aſſizes, to bear testimony concerning the ſalubrity or inſalubrity of the ſmoke iſſuing from the furnaces. The evidence they offered was entirely contradictory. One grounded his teſtimony on the general preſumption that the ores of copper contain arſenic; and conſequently that the effluvia, proceeding from the roaſting of them, muſt be poiſonous becauſe arſenical. The other had made actual experiments on the ore employed in the works under proſecution, and on the vapours which it yielded: he was thus furniſhed with full proof

that no arſenic was diſcoverable in either. But the affirmative prevailed over the negative teſtimony, from the authority of the phyſician who delivered it; an authority which he probably would not have misapplied, if he had been antecedently acquainted with the deciſive trials made by his opponent.*

XIX. It is the injunction of the law, ſanctioned by the ſolemnity of an oath, that in judicial teſtimony, *the truth*, *the whole truth*, and *nothing but the truth* ſhall be delivered. A witneſs, therefore, is under a ſacred obligation to uſe his beſt endeavours that his mind be clear and collected, unawed by fear, and uninfluenced by favour or enmity. But in criminal proſecutions, which affect the life of the perſon accuſed, ſcruples will be apt to ariſe in one who, by the advantages of a liberal education, has been accuſtomed to ſerious reflection, yet has paid no particular attention to the principles of political ethics. It is incumbent, therefore, on gentlemen of the faculty, to ſettle their opinions concerning the right of the civil magiſtrate to inflict capital puniſhment; the moral and ſocial ends of ſuch puniſhment; the limits preſcribed to the exerciſe of the right; and the duty of a citizen to give full efficiency to the laws.

The magiſtrate's *right* to inflict puniſhment, and the ends of ſuch puniſhment, though intimately connected, are in their nature diſtinct. The right is clearly a ſubſtitution or transfer of that which be-

* See Notes and Illuſtrations, No. XIX.

longs to every individual, by the law of nature, viz. inſtant ſelf-defence, and ſecurity from future violence or wrong. The ends are more comprehenſive, extending not only to complete ſecurity againſt offence, but to the correction and improvement of the offender himſelf, and to counteract in others the diſpoſition to offend. Penal laws are to be regulated by this ſtandard; and the lenity or ſeverity, with which they are executed, ſhould, if poſſible, be exactly proportionate to it. In different circumſtances, either perſonal or public conſiderations may preponderate: and in caſes of great moral atrocity, or when the common wea is eſſentially injured, all regard to the reformation of a criminal is ſuperſeded; and his life is juſtly forfeited to the good of ſociety. In the participation of the benefits of the ſocial union, he has virtually acceded to its conditions, and the violation of its fundamental articles renders him a rebel and an enemy, to be expelled or deſtroyed, both for the ſake of ſecurity, and as an awful warning to others. When capital puniſhments are viewed in this light, the moſt humane and ſcrupulous witneſs may conſider himſelf as ſacrificing private emotions to public juſtice and ſocial order; and that he is performing an act at once beneficial to his country and to mankind. For political and moral economy can ſubſiſt in no community, without the ſteady execution of wiſe and ſalutary laws: and every atrocious act, perpetrated with impunity, operates as a terror to the innocent, a ſnare to the unwary, and an

incentive to the flagitious. The criminal, alſo, who evades the ſentence of juſtice, like one infected with the peſtilence, contaminates all whom he approaches. He, therefore, who, from falſe tenderneſs, or miſguided conſcience, has prevented conviction, by withholding the neceſſary proofs,* is an acceſſary to all the evils which enſue. The maxim, that *it is better ten villains ſhould be diſcharged than a ſingle perſon ſuffer by a wrong adjudication*, is one of thoſe partial truths which are generally miſapplied, becauſe not accurately underſtood. It is certainly eligible that the rules and the forms of law ſhould be ſo preciſe and immutable, as not to involve the innocent in any deciſion obtained by corruption, or dictated by paſſion and prejudice; though this ſhould ſometimes furniſh an outlet for the eſcape of actual offenders. The plea, alſo, may have ſome validity, in crimes of a nature chiefly political, (with which, however, the faculty can profeſſionally have no concern,) ſuch as coining and forgery, or in caſes wherein the puniſhment much exceeds the evil or turpitude of the offence. For Lord Bacon has well obſerved, that "over-great penalties, beſides their acerbity, deaden "the execution of the law."† And when they are

* "The oath adminiſtered to the witneſs is not only that "what he depoſes ſhall be true, but that he ſhall alſo depoſe the "whole truth: *So that he is not to conceal any part of what he "knows, whether interrogated particularly to that point or not.*"—Blackſtone, book iii. ch. xxiii.

† See propoſal for amending the Laws of England.—Bacon's Works, 4to. vol. ii. p. 542.

diſcovered to be unjuſtly inflicted, its authority is impaired, its ſanctity diſhonoured, and veneration gives place to diſguſt and abhorrence.

But the dread of *innocent blood being brought upon us*, by explicit and honeſt teſtimony, is one of thoſe ſuperſtitions which the nurſe has taught, and which a liberal education ought to purge from the mind: and if, in the performance of our duty, innocence ſhould unfortunately be involved in the puniſhment of guilt, we ſhall aſſuredly ſtand acquitted before God and our own conſciences. The convict himſelf, lamentable as his fate muſt be regarded, may derive conſolation from the reflection, that, though his ſentence be unjuſt, "he falls for his country, whilſt he "ſuffers under the operation of thoſe rules, by the "general effect and tendency of which the welfare of "the community is maintained and upheld."*

XX. When profeſſional teſtimony is required, in caſes of ſuch peculiar malignity as to excite general horror and indignation, a virtuous mind, even though ſcrupulous and timid, is liable to be influenced by too violent impreſſions; and to transfer to the accuſed that dread and averſion, which, before conviction, ſhould be confined to the crime, and as much as poſſible withheld from the ſuppoſed offender. If the charge, for inſtance, be that of parricide, accompliſhed by poiſon, and accompanied with deliberate malice, ingratitude, and cruelty; the inveſtigation ſhould be made with calm and unbiaſſed preciſion, and

* Paley's Moral and Political Phil. b. vi. ch. ix. p. 553, 4to.

the teſtimony delivered with no colouring of paſſion, nor with any deviation from the *ſimplicity of truth.* When *circumſtantial proofs* are adduced, they ſhould be arranged in the moſt lucid order, that they may be contraſted and compared, in all their various relations, with facility and accuracy; and that their weight may be ſeparately and collectively determined in the balance of juſtice. For, in ſuch evidence, there ſubſiſts a regular gradation from the ſlighteſt preſumption to complete moral certainty: and if the witneſs poſſeſs ſufficient information in this branch of philoſophical and juridical ſcience, he will always be competent to ſecure himſelf, and on many occaſions the court alſo, from fallacy and error. The Marquis de Beccaria has laid down the following excellent theorems, concerning judicial evidence:—

" When the proofs of a crime are dependent on each " other, that is, when the evidence of each witneſs, " taken ſeparately, proves nothing; or when all the " proofs are dependent upon one, the number of " proofs neither increaſes nor diminiſhes the proba- " bility of the fact; for the force of the whole is no " greater than the force of thoſe on which they de- " pend; and if this fail, they all fall to the ground. " When the proofs are independent of each other, " the probability of the fact increaſes in proportion to " the number of proofs; for the falſehood of one " does not diminiſh the veracity of another. . . . . " The proofs of a crime may be divided into two " claſſes, perfect and imperfect. I call thoſe perfect,

"which exclude the poſſibility of innocence; imper-
"fect, thoſe which do not exclude this poſſibility.
"Of the firſt, one only is ſufficient for condemnation;
"of the ſecond, as many are required as form a per-
"fect proof; that is to ſay, each of theſe, ſeparately
"taken, does not exclude the poſſibility of innocence;
"it is nevertheleſs excluded by their union."*

* Beccaria's Eſſay on Crimes and Puniſhments, ch. xiv.

AN

APPENDIX:

CONTAINING,

I. *A DISCOURSE,*

ADDRESSED TO

THE GENTLEMEN OF THE FACULTY, THE OFFICERS, THE CLERGY, AND THE TRUSTEES OF THE INFIRMARY AT LIVERPOOL,

ON THEIR RESPECTIVE HOSPITAL DUTIES.

BY THE

Rev. THOMAS BASSNETT PERCIVAL, LL. B.

Of St. John's-College, Cambridge; Chaplain to the Marquis of Waterford; and to the Company of British Merchants at St. Petersburgh.

II. *NOTES AND ILLUSTRATIONS.*

. . . . " Lo! a goodly Hoſpital aſcends,
" In which they bade each lenient aid be nigh,
" That could the ſick bed ſmooth of that ſad company.
" It was a worthy edifying ſight,
" And gives to human kind peculiar grace,
" To ſee kind hands attending day and night,
" With tender miniſtry, from place to place:
" Some prop the head; ſome, from the pallid face
" Wipe off the faint cold dews weak nature ſheds;
" Some reach the healing draught; the whilſt to chaſe
" The fear ſupreme, around their ſoften'd beds,
" Some holy man by prayer all opening heaven diſpreds."

THOMSON's Caſtle of Indolence; Canto ii.

A

DISCOURSE

ON

HOSPITAL DUTIES:

BEING AN

ANNIVERSARY SERMON,

PREACHED IN MAY 1791;

FOR THE BENEFIT OF THE INFIRMARY AT LIVERPOOL.*

"*Let us not be weary in well doing, for in due ſeaſon we ſhall "reap, if we faint not.*"—GALAT. vi. 9.

IF we conſider the circumſtances of man, as placed in this great theatre of action; as connected with his fellow-creatures by various ties and relations; and with GOD himſelf, his creator and judge: if we conſider the powers and faculties with which he is endowed, and that theſe are talents committed to his truſt, capable of indefinite degrees of improvement, and which the LORD, at his coming, will demand with uſury; we ſhall ſee the fulleſt reaſon for the apoſtolical injunction, *be not weary in well doing*, and

* See Notes and Illuſtrations, No. XX.

rejoice in the aſſurance, that *in due ſeaſon we ſhall reap, if we faint not.* The ſphere of human duty has no limits to its extent. Every advance in knowledge widens its boundaries; every increaſe of power and wealth multiplies and diverſifies the objects of it; and length of years evinces their unceaſing ſucceſſion. Therefore, *whatſoever thy hand findeth to do, do it with all thy might.* Vigour and perſeverance are eſſential to every noble purſuit; and no virtuous effort is in vain. To be diſcouraged by oppoſition; to be alarmed by danger; or overcome by difficulty, is a ſtate of mind unfitted for the Chriſtian warfare.

But the preſent intereſting occaſion calls for a ſpecific application of the precept contained in our text. What is juſt and true, concerning the whole duty of man, muſt be equally juſt and true of every individual branch of moral and religious obligation: and it can require no deep reſearch, no abſtruſe inveſtigation, to work conviction on our minds, that the higher is the object we have in view, the more active and inceſſant ſhould be our exertions in the attainment of it. The inſtitution, which now claims your moſt ſerious attention, is founded on the *wiſeſt policy;* adapted to the nobleſt purpoſes of *humanity;* and capable of being rendered ſubſervient to the *everlaſting welfare* of mankind.

The *wiſdom* of ſuch charitable foundations can admit of no diſpute. On the lower claſſes of our fellow-citizens alone, we depend for food, for raiment, for the habitations in which we dwell, and for

all the conveniences and comforts of life. But health is eſſential to their capacity for labour; and in this labour, I fear, it is too often ſacrificed. An additional obligation, therefore, to afford relief, ſprings from ſo affecting a conſideration. He who at once toils and ſuffers for our benefit, has a multiplied claim to our ſupport; and to withhold it, would be equally chargeable with folly, ingratitude, and injuſtice.

But *humanity* prompts, when the ſtill voice of wiſdom is not heard. Sickneſs, complicated with poverty, has pleas, that to a feeling mind are irreſiſtible. *To weep with thoſe that weep*, was the character of our Divine Maſter; and, to the honour of our nature, we are capable of the ſame generous ſympathy. Vain and idle, however, are the ſofteſt emotions of the mind, when they lead not to correſpondent actions: and he who views the naked, without clothing them, and thoſe who are ſick, without miniſtering unto them, incurs the dreadful denunciation, *Depart from me, ye curſed, into everlaſting fire, prepared for the devil and his angels. For inaſmuch as ye did it not to one of the leaſt of theſe my brethren, ye did it not unto me.*

It were an eaſy and pleaſing taſk to enlarge on theſe general topics. But they come not ſufficiently "home to men's buſineſs and boſoms:" and honoured as I am, by being thus called to the privilege of addreſſing you, I feel it incumbent on me to be more appropiate, by ſuggeſting to your candid attention the diſtinct and relative duties attached to the ſeveral

orders, which compoſe this moſt excellent community. Permit me therefore to claim your indulgence, whilſt I offer, with all deference and reſpect, but with the plainneſs and freedom of goſpel ſincerity, a few words of exhortation:

I. To the Faculty;

II. To the Officers and Superintendants;

III. To the Clergy;

And laſtly, To the general Body of Trustees and Contributors.

I. To the Faculty. As man is placed by Divine Providence in a ſituation which involves a variety of intereſts and duties, often complicated and mixed together, the motives which influence human actions muſt neceſſarily be mixed and complicated. Wiſdom and virtue conſiſt in the ſelection of thoſe which are fit and good, and in the arrangement of all by a juſt appreciation of their comparative dignity and importance. In the acceptance of your profeſſional offices, in this Infirmary, it is preſumed that you have been governed by the *love of reputation;* by the *deſire of acquiring knowledge and experience;* and by that *ſpirit of philanthropy*, which delights in and is never weary of well-doing. Let us briefly conſider each of theſe principles of action, and how they ought to be regulated.

If we analize the *love of reputation*, as it exiſts in liberal and well-informed minds, it will be found to ſpring from the love of moral and intellectual excellence. For of what value is praiſe, when not founded

on deſert? But the conſciouſneſs of deſert, by the conſtitution of our nature, is ever attended with ſelf-approbation: and this delightful emotion, which is at once the concomitant, and the reward of virtue, widely expands its operation, and by a ſocial ſympathy, encircles all who are the witneſſes or judges of our generous deeds. From the ſame principle, piety itſelf derives its origin. For how ſhall he who loveth not, or is regardleſs of the approbation of his brother, whom he hath ſeen, love or regard the favour of GOD, whom he hath not ſeen!

But let us remember not to ſubſtitute for the legitimate and magnanimous love of fame, that ſpurious and ſordid paſſion which ſeeks applauſe by gratifying the caprices, by indulging the prejudices, and by impoſing on the follies of mankind. To court the public favour by adulation, or empirical arts, is meanneſs and hypocriſy; to claim it by high and aſſumed pretenſions, is arrogance and pride; and to exalt our own character by the depreciation of that of our competitor, is to convert honourable emulation into profeſſional enmity and injuſtice.

You have been elevated by the ſuffrages of your fellow-citizens: you have been honoured by their favour and confidence: rejoice in the diſtinction conferred upon you; fulfil with aſſiduity and zeal the truſt repoſed in you; and by being unwearied in well-doing, riſe to higher and higher degrees of public favour and celebrity!

The *acquiſition of knowledge and experience* is a farther incentive to your generous exertions in this receptacle of diſeaſe and miſery. It is one important deſign of the inſtitution itſelf; which affords peculiar advantages for aſcertaining the operation of remedies, and the comparative merit of different modes of medical and chirurgical treatment. For the ſtrict rules which are enjoined; the ſteadineſs with which their obſervance is enforced; and the unremitting attendance of thoſe who are qualified to make accurate obſervations, and to note every ſymptom, whether regular or anomalous, in the diſeaſes under cure; are circumſtances incompatible with the ordinary domeſtic care of the ſick. To avail yourſelves of them, therefore, is agreeable to ſound policy, and conſonant to the pureſt juſtice and humanity. For every improvement in the healing art is a public good, beneficial to the poor as well as to the rich, and to the former in a proportionably greater degree, as they are more numerous, and conſequently more frequently the objects of it. On this point, however, peculiar delicacy is required; and as the diſcretionary power with which you are entruſted, is almoſt without controul, it ſhould be exerciſed with the niceſt honour and probity. When novelties in practice are introduced, be careful that they are conformable to reaſon and analogy; that no ſacrifice be made to fanciful hypotheſis, or experimental curioſity; that the infliction of pain or ſuffering be, as much as poſſible,

avoided; and that the end in view fully warrant the means for its attainment.

But your nobleſt call to duty and exertion ariſes from the exalted *ſpirit of philanthropy:* and on this occaſion I may addreſs you individually, in the language of the firſt of orators to the ſovereign of imperial Rome: *Nihil habet fortuna tua majus quam ut poſſis, nec natura melius quam ut velis, ſervare quam plurimos.* It is your honour and felicity to be engaged in an occupation which leads you, like our bleſſed LORD, during his abode on earth, to go about doing good; healing the ſick, and curing all manner of diſeaſes. To you learning has opened her ſtores, that they may be applied to the ſublimeſt purpoſes; to alleviate pain; to raiſe the drooping head; to renew the roſes of the cheek, and the ſparkling of the eye; and thus to gladden, whilſt you lengthen life. Let this hoſpital be the theatre on which you diſplay, with aſſiduous and perſevering care, your ſcience, ſkill, and humanity: and let the manner correſpond with, and even heighten, the meaſure of your benevolence. With patience hear the tale of ſymptoms; ſilence not harſhly the murmurs of a troubled mind; and by the kindneſs of your looks and words, evince that Chriſtian condeſcenſion may be compatible with profeſſional ſteadineſs and dignity.

It is, I truſt, an ill-founded opinion, that compaſſion is not the virtue of a ſurgeon. This branch of the profeſſion has been charged with hardneſs of heart:

and ſome of its members have formerly juſtified the ſtigma, by ridiculing all ſoftneſs of manners; by aſſuming the contrary deportment; and by ſtudiouſly baniſhing from their minds that ſympathy, which they falſely ſuppoſed would be unſuitable to their character, and unfavourable to the practical exerciſe of their art. But different ſentiments now prevail. And a diſtinction ſhould ever be made between true compaſſion, and that unmanly pity which enfeebles the mind; which ſhrinks from the ſight of woe; which inſpires timidity; and deprives him, who is under its influence, of all capacity to give relief. Genuine compaſſion rouſes the attention of the ſoul; gives energy to all its powers; ſuggeſts expedients in danger; incites to vigorous action and difficulty; and ſtrengthens the hand to execute, with promptitude, the purpoſes of the head. The pity which you ſhould repreſs, is a turbulent emotion. The commiſeration which you ſhould cultivate, is a calm principle. It is benevolence itſelf directed forcibly to a ſpecific object. And the frequency of ſuch objects diminiſhes not, but augments its energy: for it produces a tone or conſtitution of mind, conſtantly in uniſon with ſuffering; and prepared, on every call, to afford the full meaſure of relief. Appear, therefore, to your patients to be actuated by that fellow-feeling, which nature, education, and Chriſtianity require. Make their caſes, in a reaſonable degree, your own; *and whatſoever ye would that men ſhould do unto you, do ye even ſo unto them.*

II. To you, the OFFICERS and SUPERINTENDANTS of this hoſpital, we may juſtly aſcribe views the moſt pure and public-ſpirited. But zeal in the cauſe of charity, however ſincere, can only be rendered uſefully efficient by due attention to, and ſteady perſeverance in, the wiſeſt means for its accompliſhment. On the miſtaken humanity of crowding your wards with numerous patients, by which diſeaſe is generated, and death multiplied in all its horrors; on the fatal calculations of ſavings in medicines, diet, or clothing; and on a ſtrict attention to ventilation, cleanlineſs, and all the domeſtic arrangements, which have order, utility, or comfort for their objects; I truſt it is needleſs to enlarge. But you will ſuffer me, I hope, to offer a few hints on the *moral* and *religious* application of the Inſtitution which you govern; a topic hitherto little noticed, though of high importance.

The viſitation of ſickneſs is a wiſe and kind diſpenſation of Providence, intended to humble, to refine, and to meliorate the heart: and its ſalutary influence extends beyond the ſufferer, to thoſe relatives and friends, whoſe office it is to miniſter unto him; exciting tenderneſs and commiſeration; drawing cloſer the bonds of affection; and rouſing to exertions, virtuous in their nature, profitable to man, and well-pleaſing to GOD. A parent, ſoothed and ſupported under the anguiſh of pain, by the loving kindneſs of his children; a huſband nurſed with unwearied aſſiduity by the partner of his bed; a child experiencing

all the tenderneſs of paternal and maternal love; are ſituations which form the ground-work of domeſtic virtue, and domeſtic felicity. They leave indelible impreſſions on the mind, impreſſions which exalt the moral character, and render us better men, better citizens, and better Chriſtians. It is wiſdom, therefore, and duty, not to fruſtrate the benevolent conſtitutions of Heaven, by diſſolving the ſalutary connections of ſickneſs, and tranſporting into a public aſylum thoſe who may, with a little aid, enjoy in their own homes, benefits and conſolations which, elſewhere, it is in the power of no one to confer.*

But numerous are the ſufferers under ſickneſs and poverty, to whom your hoſpitable doors may be opened, with the higheſt moral benefit to themſelves and to the community. When admitted within theſe walls, they form one great family, of which you are the heads, and conſequently reſponſible for all due attention to their preſent behaviour, and to the means of their future improvement. Withdrawn from the habitations of penury, ſloth, and dirtineſs; from the converſation of the looſe and the profligate; and from all their aſſociates in vice, they may here form a taſte for the ſweets of cleanlineſs; learn the power of bridling their tongues; and be induced, by this temporary abſence, to free themſelves from all farther connection with their idle and debauched companions. Let it be your ſedulous care to foſter

* See Notes and Illuſtrations, No. XXI.

theſe excellent tendencies: Encourage in the patients every attention to neatneſs: Tolerate no filth or ſlovenlineſs, either in their perſons or attire: Keep a ſtrict guard on the decency of their behaviour: Urge them to active offices of kindneſs and compaſſion to each other: Furniſh the convaleſcents with bibles, and with books of plain morality, and practical piety, ſuited to their capacities and circumſtances; and which will neither delude the imagination, nor perplex the underſtanding: Oblige them to a regular attendance on the public worſhip of the hoſpital, or of their reſpective churches: And, agreeably to your laws, neglect not to make proviſion for the ſtated and frequent adminiſtration of the holy ſacrament. There is ſomething in this office peculiarly adapted to comfort and fortify the mind, under the preſſure of poverty, pain, and ſickneſs. In the contemplation of that love which CHRIST manifeſted for us by his ſufferings and death, all the conſolation is experienced which divine ſympathy can afford. *We have a high-prieſt touched with the feeling of our infirmities*, and who holds forth to us this ſoothing invitation: *Come unto me, all ye that are weary and heavy laden, and I will give you reſt.* Promote the celebration of an ordinance, adapted thus to fill the mind with gratitude, and to alleviate every woe. And let the example of our Saviour's reſignation to the appointment of GOD be enforced by it, who in his agony exclaimed, *Father, if it be thy will, let this cup paſs from me; nevertheleſs, not my will, but thine be done.*

III. I doubt not the cordial and entire concurrence of you, my REV. BRETHREN, the CLERGY who officiate in this hoſpital, in the recommendation of the holy ſacrament, not only as a ſtated, but as a frequent ordinance of the Inſtitution. With you it will reſt to obviate every objection to the rite, and to give it the full meaſure of ſpiritual efficacy. Enthuſiaſm and ſuperſtition cannot be dreaded in the offices of rational piety, conducted by thoſe who are rational and pious: and you will neither betray men into falſe confidence, nor alarm them, when languiſhing under ſickneſs and pain, with unſeaſonable terrors. *The ſpirit of a man will ſuſtain his infirmity, but a wounded ſpirit who can bear?* Under ſuch circumſtances, vain will be the aid of ſkill or medicine, without the ſupports and comforts, which it is your ſacred function to afford. You can

> ----- "miniſter to a mind diſeaſed;
> "Pluck from the memory a rooted ſorrow,
> "Raze out the written troubles of the brain;
> "And, with ſome ſweet oblivious antidote,
> "Cleanſe the full boſom of that perilous ſtuff
> "Which weighs upon the heart." SHAKESPEARE.

Being thus the *Phyſicians* of the ſoul, you are eſſential conſtituents of this enlarged ſyſtem of philanthropy. Apply, therefore, with diligence and zeal, the ſpiritual *medicines* which it is your office to diſpenſe. Here you have a wide field *for exhortation, for correction, and for inſtruction in righteouſneſs.* Convaleſcence peculiarly furniſhes the *mollia tempora*

fandi, the ſoft ſeaſons of impreſſive counſel. The mind is then open to ſerious conviction; diſpoſed to review paſt offences with contrition; and to look forward with ſincere reſolutions of amendment. Many diſeaſes are the immediate conſequences of vice: and he who has recently experienced the ſufferings of guilt, will deeply feel its enormity; and cheriſh thoſe precepts, which will ſecure him from relapſe, and convert his paſt miſery into future bleſſings.

IV. But this large aggregate of good, which it is the deſign of the preſent anniverſary to commemorate, depends, for its ſupport and extenſion, on the GENERAL BODY OF CONTRIBUTORS to the charity. How deeply intereſting, then, are the claims which your fellow-citizens have to make on your philanthropy! How important is it to the health of thouſands, in rapid ſucceſſion, that you ſhould perſevere in beneficence, and continue unwearied in well doing! Ordinary bounty terminates almoſt in the moment when it is beſtowed. The object of it being withdrawn, ſolicitude and reſponſibility are no more. But in this noble Inſtitution, charity exerts itſelf in ſteady and unceaſing operations. It is a ſtream ever full, yet ever flowing; and through the grace of GOD, I truſt, will be inexhauſtible. From your zeal, your concord, and liberality, theſe SACRED *waters of life* proceed. Be watchful that they are not poiſoned in their ſource, nor contaminated in their progreſs. Let your *zeal* be employed in ſearching out and recommending proper objects of relief.

Call to you, according to the injunction of our Saviour, *the halt, and the maimed, the lame, and the blind; for they cannot recompenſe you: Ye ſhall be recompenſed at the reſurrection of the juſt.* Suffer no prejudices, either political or religious, to contract the bounds of your charity. *Paſs not by on the other ſide from a fellow-creature who has fallen among thieves*, becauſe he is not of your party, of your ſect, or even of your nation. But, like the good Samaritan, *have compaſſion on him, and let oil and wine be poured into his wounds* in this hoſpitable *Beth.ſda*. Guard, moſt ſedulouſly guard, againſt the ſpirit of diſſenſion. You are united in the labours of Chriſtian love; and having one common and glorious cauſe, the conteſt ſhould be for pre-eminence in doing good, not for the gratification of pride, the indulgence of reſentment, or even for the intereſts of friendſhip.* To your liberality in contribution no appeal can be required, no new incitement can be urged. What your judgment approves, what experience has ſanctioned, and what touches the tendereſt feelings of your hearts, muſt have pleas that are irreſiſtible.

It only remains, then, that we cordially unite in offering our devout ſupplications to the throne of grace, in behalf of all thoſe *who are afflicted or diſtreſſed in mind, body, or eſtate; that it may pleaſe the God of all conſolation to relieve them, according to their ſeveral neceſſities; giving them patience under their ſufferings, and a happy iſſue out of all their*

* See Notes and Illuſtrations, No. XXII.

afflictions: And finally, that we may be delivered from all hardneſs of heart; from all covetous deſires, and inordinate love of riches; and, having been taught that all our doings, without charity, profit nothing, that this moſt excellent gift, the bond of peace, and of all virtues, may be poured into us abundantly, through the merits and mediation of our bleſſed Lord and Saviour.

NOTES

AND

ILLUSTRATIONS.

Note I. *Preface. Page* 367.

HOSPITAL AT MANCHESTER.

THIS inſtitution comprehends an Infirmary, Lunatic Hoſpital, and Diſpenſary; and has now connected with it a Houſe of Recovery, for the reception of patients ill of contagious fevers. It provides, alſo, for inoculation, both variolous and vaccine; and for the delivery of pregnant women at their own habitations, in caſes certified by the ordinary midwives to be attended with great difficulty and danger. From the 24th of June 1792, to the 24th of June 1802, the in-patients, admitted during the ſpace of ten years, amounted to 8083; of which number 361 died:—the out-patients amounted to 31,890; of which number 676 died:—the home-patients amounted to 24,439; of which number 1970 died. The Lunatic Hoſpital was eſtabliſhed in

the year 1766; from which time to June 24th, 1802, the patients admitted have amounted to 1575. Of this number 627 have been cured; 212 have been relieved; 488 have been diſcharged at the requeſt of their friends; 171 have died; 8 have been deemed incurable; and 69 remained in the houſe on the 24th of June 1802. The Houſe of Recovery, for the admiſſion of patients ill of contagious fever, is appropriated to thoſe, who, from extreme penury, are incapable of receiving proper aid in their own cloſe and noiſome habitations, or who are liable to communicate contagion to a numerous family, and, if in a crowded neighbourhood, even to perpetuate its virulence. It is attended by the phyſicians of the Infirmary; and is furniſhed with wine and medicines from the funds of that charity; but all the other expences are defrayed by an eſtabliſhment, entitled the BOARD OF HEALTH, which commenced in the ſpring of 1796.

The general objects of this benevolent Inſtitution are threefold. I. To obviate the generation of diſeaſes. II. To prevent the ſpread of them by contagion. III. To ſhorten the duration of exiſting diſeaſes; and to mitigate their evils, by affording the neceſſary aids and comforts to thoſe who labour under them.—I. Under the firſt head are comprehended—the inſpection and improvement of the general accommodations of the poor;—the prohibition of ſuch habitations, as are ſo cloſe, noiſome, or damp, as to be incapable of being rendered tolerably

ſalubrious:—the removal of privies placed in improper ſituations;—proviſion for white-waſhing and cleanſing the houſes of the poor twice every year; attention to their ventilation by windows with open caſements, &c.:—the inſpection of cotton-mills, or other factories, at ſtated ſeaſons; with regular returns of the condition as to health, clothing, appearance, and behaviour of the perſons employed in them; of the time allowed for their refreſhment, at breakfaſt and dinner; and of the accommodations of thoſe who are parochial apprentices, or who are not under the immediate direction of their parents or friends:—the limitation and regulation of lodging-houſes; on the eſtabliſhment of *caravanſeras* for paſſengers, or thoſe who come to ſeek employment, unrecommended or unknown:—the eſtabliſhment of public warm and cold baths; proviſion for particular attention to the cleaning of the ſtreets, which are inhabited by the poor; and for the ſpeedy removal of dunghills, and every other ſpecies of filth:—the diminution, as far as is practicable, of noxious effluvia from different ſources, ſuch as thoſe which ariſe from the work-houſes of the fellmonger, the yards of the tanner, and the ſlaughter-houſes of the butcher:—the ſuperintendance of the ſeveral markets; with a view to prevent the ſale of putrid fleſh or fiſh, and of unſound flour, or other vegetable productions.

Under the ſecond general head are included—the ſpeed, removal of thoſe who are attacked with ſymptoms of fever, from the cotton-mills, or factories, to

the habitations of their parents or friends, or to commodious houſes which may be ſet apart for the reception of the ſick, in the different diſtricts of Manchester:—the requiſite attentions to preclude unneceſſary communications with the ſick, in the houſes wherein they are confined; and to the ſubſequent changing and ventilation of their chambers, bedding, and apparel:—and the allowance of a ſufficient time for perfect recovery, and complete purification of their clothes, before they return again to their works, or mix with their companions in labour. III. Under the third head are comprehended—medical attendance:—the care of nurſes:—and ſupplies of medicine, wine, appropriate diet, fuel, and clothing.

From the opening of the Houſe of Recovery on the 31ſt of May 1796, to the 31ſt of May 1802, 3210 patients have been admitted; of whom 2939 have been cured; and 271 have died.

Note II. *Preface. Page* 2.

DISTRIBUTION OF PRINTED COPIES OF THE MEDICAL ETHICS.

When it was firſt recommended to me to enlarge and publiſh this code of profeſſional Ethics, I felt extremely difficult in the adoption of an undertaking ſo liable to the charge of preſumption, in an individual

conſcious of inadequate powers, and poſſeſſing no claim or authority to dictate rules to his medical brethren. With much ſolicitude, therefore, I availed myſelf of the aid and ſupport of various judicious and learned friends, in different ſtations of life, by communicating to them printed copies of the general ſcheme. And I record not only with *gratitude*, but as the *neceſſary ſanction* of my work, the names of thoſe who have honoured it with their approbation or aſſiſtance. John Aikin, M. D.; Sir George Baker, bart.; S. A. Bardſley, M. D.; Thomas Butterworth Bayley, eſq.; Foſter Bower, eſq; barriſter; John Croſs, eſq; barriſter; James Currie, M. D.; Eraſmus Darwin, M. D.; William Falconer, M. D.; John Ferriar, M. D.; Rev. Thomas Giſborne, M. A.; John Haygarth, M. D.; William Heberden, M. D.; Mr. Thomas Henry; Samuel Heywood, eſq; ſerjeant at law; Edward Holme, M. D.; George Lloyd, eſq; barriſter; Rev. Archdeacon Paley; Sir G. O. Paul, bart.; Robert Percival, of Dublin, M. D.; Mr. Simmons; Richard Warren, M. D.; Right Rev. Richard Watſon, D. D. Biſhop of Landaff; Charles White, eſq; and William Withering, M. D.

If it were not from the apprehenſion of ſwelling this long liſt of names, I ſhould not omit the preſent opportunity of expreſſing my grateful acknowledgments to many other reſpectable friends, to whom copies of the Medical Ethics were tranſmitted, ſubſequently to the firſt circulation of the ſcheme.

Note III. *Chap.* I. *Sect.* XVI.

SITUATION, CONSTRUCTION, AND GOVERNMENT OF HOSPITALS.

"In the town of Funchal, in the iſland of Ma-
"deira, the Infirmary in particular drew our attention,
"as a model which might be adopted in other coun-
"tries with great advantage. It conſiſts of a long
"room, on one ſide of which are the windows, and
"an altar for the convenience of adminiſtering the
"ſacrament to the ſick. The other ſide is divided
"into wards, each of which is juſt big enough to
"contain a bed, and neatly lined with gally-tiles.
"Behind theſe wards, and parallel to the room in
"which they ſtand, there runs a long gallery, with
"which each ward communicates by a door; ſo that
"the ſick may be ſeparately ſupplied with whatever
"they want, without diſturbing their neighbours."
—See *Voyages round the World*, publiſhed by Dr. Hawkeſworth, vol. ii. page 8.

In the year 1790, I was conſulted concerning the ſituation, ſtructure, and government of a large county-hoſpital, about to be erected; and I ſhall here inſert the hints, which I then ſuggeſted.

The SITUATION muſt, in ſome meaſure, be dependent on local circumſtances: but, as far as is compatible with theſe, it ſhould be dry, airy, moderately

elevated, at a commodious diſtance from the town, and well ſupplied with ſalubrious water. If ſwampy grounds happen to be in the neighbourhood, particular attention ſhould be paid to the winds which moſt frequently prevail, that it may be as little as poſſible influenced by the vapours thoſe winds are likely to convey. The ſame precaution is applicable to the ſmoke of the town. The hoſpital at Mancheſter is three-fourths of the year involved in ſmoke, by being erected on the eaſtern ſide of the town; an evil which might eaſily have been avoided by the choice of an oppoſite ſite.

The STRUCTURE includes accommodation and ventilation: and the form beſt adapted (*mutatis mutandis*) to theſe eſſential purpoſes appears to be that of the new priſon at Mancheſter, which is conſtructed on the well-known plan of Mr. Howard. The building which forms the gateway, will afford a large and commodious room above, for the governors of the charity; and below, a ſhop for the apothecary; and a hall for the reception of out-patients, who would thus have no communication with the Infirmary, and conſequently incur no riſque either of bringing or carrying back with them febrile or other contagion. The central part of the building is well adapted for kitchens and other offices, over which the chapel might be conſtructed. The four *radii*, or buildings which project from the centre, might each contain ſix wards, fifteen feet ſquare by thirteen high, in each ſtory, with a gallery interpoſed. No ward ſhould

have more than two beds in it; for the contamination of the air ariſes chiefly from the crowding too many ſick perſons in one chamber: and contagion not only ſpreads by this means, but the patients ſuſtain great injury from the multiplied ſpectacles of ſuffering to which they are witneſſes in the large apartments of an hoſpital. Small chambers, alſo, have the advantage of being quickly ventilated. The three ſtories ſhould be of the ſame height; and if the roof be lined with boards under the ſlates, the temperature of the higheſt ſtory will be much leſs than uſually affected by the heat of ſummer, or cold of winter. In each gallery a room ſhould be ſet apart for the convaleſcents, and for thoſe patients who are able to quit their bed-chambers occaſionally in the day-time.

In the proviſion for ventilating the wards, it ſhould be remembered, that though adequate ſupplies of FRESH AIR are eſſential to its purity, the *temperature* of it, alſo, muſt be regarded with a view to ſalubrity. For cold is not only ungrateful to the feelings of the ſick, commonly very acute, but in many diſeaſes injurious by its ſedative action: and it has often been ſuſpected of giving energy to infection. The ventilation, too, ſhould be accompliſhed without any current of wind perceptible by the patients; who, being ignorant of the nature and effects of contagion, have no apprehenſion of danger from it, but entertain ſtrong prejudices againſt a flow of cool air; eſpecially when in bed, or aſleep. Theſe prejudices, if they are to be deemed ſuch, claim not only tenderneſs, but

indulgence. For though ſilenced by authority, as I have before obſerved, they will operate ſecretly and forcibly on the mind, creating fear, anxiety, and watchfulneſs.

The GOVERNMENT of the hoſpital is an object of great importance, and will demand very mature conſideration. The ſyſtem adopted in moſt of our charitable inſtitutions appears to me neither ſufficiently comprehenſive nor efficient; and ſome unhappy diſputes in the Mancheſter Infirmary induced me to draw up the following propoſitions, for the conſideration of the truſtees:—

I. A committee, for the purpoſe of mediation, ſuperintendance, and improvement, ſhould be choſen by ballot from among the truſtees: it ſhould conſiſt of nine gentlemen of talents, reſpectability, and independence, to give dignity and authority to their proceedings: it ſhould be ſtiled the COUNCIL of the Infirmary; or be diſtinguiſhed by ſome other honourable and expreſſive appellation: and, when regularly convened, five members ſhould be competent to tranſact buſineſs.

II. No officer of the Infirmary, nor any phyſician or ſurgeon belonging to it, ſhould be eligible into the council.

III. No member of the council ſhould continue in office more than three years: three members ſhould annually go out of office, and three others be choſen in their room; and the ſame gentlemen may be re-elected after the expiration of one or more years.

IV. The council ſhould be a board of arbitration, for adjuſting whatever differences or diſputes may ariſe between the ſeveral members of the Infirmary: it ſhould take cognizance of every thing relative to the polity of this inſtitution, and of its appendages, the Lunatic Hoſpital, and Diſpenſary: it ſhould inquire into the progreſs and preſent ſtate of the charity: it ſhould ſuggeſt to the annual board of truſtees ſuch improvements as may be deemed expedient: and it ſhould receive, methodize, and deliberate upon the ſeveral laws or regulations which may be propoſed by the weekly board, or by any individual truſtee, according to the preſcribed form of notice, previous to a final deciſion.

V. The council ſhould be convened fourteen days before each quarterly board, or oftener, if neceſſary: they ſhould then communicate to the phyſicians and ſurgeons of the Infirmary whatever laws or regulations, relative to the medical or chirurgical departments, fall under their diſcuſſion: and they ſhould attend, either perſonally or by their chairman, the ſucceeding quarterly or annual board, to ſtate the reſult of their inveſtigations, and to aſſiſt the deliberations or deciſions of the general body of truſtees.

VI. The phyſicians and ſurgeons of the Infirmary ſhould be requeſted to form themſelves into a committee, to aid the council with their experience, knowledge, and advice; and to take into conſideration whatever laws or regulations may be propoſed, rela-

tive to their peculiar departments, before they be referred to the deciſion of the general body of truſtees.

VII. The meetings of the committee of phyſicians and ſurgeons ſhould be held the day after the aſſembly of the council: and they ſhould deliver, in writing, by the ſenior phyſician or ſurgeon, the reſult of their deliberations, in due time before the ſucceeding annual or quarterly board, to an adjourned meeting of the council.

N. B. The council may be either a permanent or a temporary inſtitution, and ſubſiſt only during the ſpace of two or three years, being renewable at ſtated periods of time, or whenever emergencies ſhall require ſuch an eſtabliſhment.

Note IV. *Chap.* I. *Sect.* XXVI.

HOUSE OF RECEPTION FOR PATIENTS ILL OF CONTAGIOUS FEVERS.

In Note, No. I. it has been ſtated that a houſe of reception for patients ill of infectious fevers now forms part of the ſyſtem of the Mancheſter Diſpenſary. To aid the eſtabliſhment of ſimilar inſtitutions in other places, I ſhall inſert the regulations which form the polity of the houſe.

REGULATIONS FOR THE ADMISSION OF PATIENTS INTO THE HOUSE OF RECOVERY.

I. The phyſician of the Infirmary ſhall be authoriſed to give one or two ſhillings, from the funds of the inſtitution, (by a ticket to the ſecretary of the Board of Health,) to the perſon who ſhall furniſh the earlieſt information of the appearance of fever in any poor family, within the limits of their reſpective diſtricts.

II. As ſoon as the ſecretary has received this ticket, he ſhall apply, or take care that application be made, to ſome truſtee of the Board of Health, living within the diſtrict, and who is a ſubſcriber to the Infirmary, for an immediate recommendation of the ſick perſon as an home patient.

III. Such patients as the phyſicians ſhall deem peculiar objects of recommendation, either on account of their extreme poverty, or of the cloſe and crowded ſtate of their habitations, ſhall be conveyed in a ſedan-chair (provided with a moveable waſhing lining, kept for this ſole purpoſe, and diſtinguiſhed by proper marks) to the Houſe of Recovery.

IV. The phyſicians ſhall be requeſted to form the neceſſary regulations, for the domeſtic government of the families of the home-patients, afflicted with fever.

V. A reward, to the amount of ſhall be given to the heads of the family, after the ceſſation of the fever, on condition that they have faithfully

obſerved the rules preſcribed for cleanlineſs, ventilation, and the prevention of infection amongſt their neighbours. This reward ſhall be doubled in caſes of extraordinary danger, and when the attentions have been adequate and ſucceſsful.

VI. After the viſitation of fever has ceaſed in any poor dwelling-houſe, the ſum of , or a ſufficient ſum, ſhall be allowed (to be expended under the direction of an inſpector) for white-waſhing and cleanſing the premiſes, and for the purchaſe of new bed-clothes, or apparel, in lieu of ſuch as it may be deemed neceſſary to deſtroy, to obviate the continuance or propagation of fever.

VII. An inſpector ſhall be appointed in each diſtrict of the Infirmary, to aid the execution, and to enforce the obſervance, of the foregoing regulations. And the gentlemen of the Strangers' Friend Society ſhall be requeſted to undertake this office.

INTERNAL REGULATIONS FOR THE HOUSE OF RECOVERY.

I. Every patient, on admiſſion, ſhall change his infectious, for clean, linen; the face and hands are to be waſhed clean with lukewarm water, and the lower extremities fomented.

II. The clothes brought into the houſe by patients ſhall be properly purified and aired.

III. All linen and bed-clothes, immediately on being removed from the bodies of the patients, ſhall be immerſed in cold water, before they are carried down ſtairs.

IV. All diſcharges from the patients ſhall be removed from the wards without delay.

V. The floors of the wards ſhall be carefully waſhed twice a week, and near the beds every day.

VI. Quick-lime ſhall be ſlaked in large open veſſels in every ward, and renewed whenever it ceaſes to bubble on the affuſion of water. The walls and roofs ſhall be frequently waſhed with this mixture.

VII. No relation or acquaintance ſhall be permitted to viſit the wards, without particular orders from one of the phyſicians.

VIII. No ſtrangers ſhall be admitted into the wards; and the nurſes ſhall be ſtrictly enjoined not to receive unneceſſary viſits.

IX. No linen or clothes ſhall be removed from the Houſe of Recovery till they have been waſhed, aired, and freed from infection.

X. No convaleſcents ſhall be diſcharged from the houſe, without a conſultation of the phyſicians.

XI. The nurſes and ſervants of the houſe ſhall have no direct communication with the Infirmary; but ſhall receive the medicines in the room already appropriated to meſſengers from the home patients.

XII. The committee of the Strangers' Friend Society ſhall be requeſted to undertake the office of inſpecting the Houſe of Recovery.

XIII. A weekly report of the patients admitted and diſcharged ſhall be publiſhed in the Manchester newſpapers.

XIV. When a patient dies in the wards, the body ſhall be removed as ſoon as poſſible into a room appropriated to that uſe; it ſhall then be wrapt in a pitched cloth, and the friends ſhall be deſired to proceed to the interment as early as is conſiſtent with propriety.

XV. All proviſions and attendance for the patients in this Houſe of Recovery ſhall be provided from the funds of this inſtitution, without any communication with the Infirmary.

The eſtabliſhment of fever-wards was propoſed in 1774, and a few years afterward carried into complete execution by my excellent and truly philanthropic friend Dr. Haygarth; whoſe life has been actively devoted to the promotion of ſcience, the improvement of his profeſſion, and the general good of mankind. The reader will find in his writings views concerning the nature, cauſes, and prevention of contagion, derived from philoſophic principles, and confirmed by extenſive and accurate obſervation.* Theſe intereſting ſubjects have lately, in a peculiar degree, engaged the attention, and employed the pens, of various other diſtinguiſhed writers, as appears by the works of Dr. Wall, Dr. Currie, Dr. Ferriar, and Dr. Clark.†

* See Haygarth's Enquiry how to prevent the Small-Pox; Sketch of a Plan to exterminate the caſual Small-Pox; Letter to Dr. Percival on the Prevention of Infectious Fevers.

† See the Reports of the Society for bettering the Condition and Increaſing the Comforts of the Poor; Dr. Stanger's Remarks on

Note V. *Chap.* I. *Sect.* XXXI.

CAUTION OR TEMERITY IN PRACTICE.

It is the obſervation of an elegant writer on the ſubject of morals, and applicable to medical practice, that "the beſt character is that which is not ſwayed "by temper of any kind; but alternately employs "enterprize and caution, as each is uſeful to the par- "ticular purpoſe intended. Such is the excellence "which St. Evremond aſcribes to Mareſchal Turenne; "who diſplayed every campaign, as he grew older, "more temerity in his military enterpriſes; and "being now, from long experience, perfectly ac- "quainted with every incident in war, he advanced "with greater firmneſs and ſecurity, in a road ſo "well known to him."* Yet it is ſaid of the great Duke of Marlborough, that ten years of ſuch uninterrupted and ſplendid ſucceſs as no other general could boaſt of, never betrayed him into a ſingle raſh action.†

That boldneſs in medical practice is more frequently the antecedent than the conſequence of experience, is a melancholy truth; for it is generally founded

the Neceſſity and Means of ſuppreſſing Contagious Fever; alſo Thoughts on the Means of preſerving the Health of the Poor, by the Rev. Sir W. Clarke, bart.; and ſeveral other valuable modern works.

* Hume's Eſſays, vol. ii. p. 284.

† See Smith's Theory of Moral Sentiments, vol. ii. p. 158.

either on theoretical dogmas, or on pride which disclaims authority. To the conſideration of phyſicians, who are thus prematurely confident in their own powers, the remark of Lord Verulam may be recommended. "This is well to be weighed, that boldneſs is ever blind; for it ſeeth not dangers and inconveniences; therefore it is ill in counſel, good in execution: ſo that the right uſe of bold perſons is, that they never command in chief, but be ſeconds, and under the direction of others. For in counſel it is good to ſee dangers; and in execution not to ſee them, except they be very great."

Note VI. *Chap.* II. *Sect.* II.

TEMPERANCE OF PHYSICIANS.

"Though much has been ſaid, and with ſome truth, of the good effects of wine in producing rapidity and vivacity of thought, it has ſcarcely ever been pretended that it favoured the exerciſe of diſcrimination and judgment. The only perſons in whom it has ever been ſuppoſed not to have the oppoſite effects, are ſome gentlemen of the faculty. The ignorant vulgar would think, *a priori*, that, *cæteris paribus*, a phyſician who was ſober, would attend more accurately to the caſe of his patient, and compare and diſtinguiſh all circumſtances better, and judge more ſoundly, and preſcribe more

" rationally, than he could do when he was drunk. " But ſome phyſicians, who ſhould be ſuppoſed to " know themſelves beſt, and who certainly muſt have " known how they acquitted themſelves in thoſe " different ſituations, have boaſted that they pre- " ſcribed as well drunk as ſober. In this they could " not be miſtaken; for, whether we conſider the " matter phyſically or logically, their boaſt amounts " preciſely to this, that they preſcribed no better " when they were ſober than they did when they " were drunk; which is undoubtedly a noble accom- " pliſhment; but it is not ſurely either wonderful " or rare."*

Tacitus, in his admirable treatiſe *De Moribus Germanorum*, has ſtated, that thoſe nations—*de reconciliandis invicem inimicis, et jungendis affinitatibus, et adſciſcendis principibus, de pace denique ac bello, plerumque in conviviis conſultant: tamquam nullo magis tempore aut ad ſimplices cogitationes pateat animus, aut ad magnas incaleſcat. Gens non aſtuta nec callida aperit adhuc ſecreta pectoris licentiâ loci. Ergo detecta et nuda omnium mens poſterâ die retractatur; et ſalva utriuſque temporis ratio eſt. Deliberant dum fingere neſciunt: conſtituunt dum errare non poſſunt.*†

* See the Introduction to Philoſophical and Literary Eſſays, by Dr. Gregory, of Edinburgh, p. 187.

† Taciti Opera à Lipſio. fol. 1627, p. 444.—The learned editor obſerves, in his note on this paſſage, *Perſarum ſimilis mos, et Cretenſium, et Græcorum omnium veterum.*

In deliberation, it may, on ſome peculiar occaſions, be of importance to break off all former ſtrong aſſociations. A fit of drunkenneſs accompliſhes this fully: ſleep has the ſame tendency; and hence the proverb, *I will ſleep upon it.* But ſuch deliberation bears no analogy to what is required from a phyſician, when he is to conſider the caſe of a patient.

"Univerſal temperance," ſays Mr. Giſborne, "both in eating and drinking, is particularly incumbent on a phyſician in every period of his practice; not merely as being eſſentially requiſite to preſerve his faculties in that alert and unclouded ſtate, which may render him equally able at all times to pronounce on the caſes which he called to inſpect, but becauſe it is a virtue which he will very frequently find himſelf obliged to inculcate on his patients; and will inculcate on them with little effect, if it be not regularly exemplified in his own conduct."*

Note VII. *Chap.* II. *Sect.* III.

"A PHYSICIAN SHOULD BE THE MINISTER OF HOPE AND COMFORT TO THE SICK."

Mr. Giſborne, in one of his intereſting letters to me on the ſubject of Medical Ethics, ſuggeſts, that it would be adviſeable to add, *as far as truth and ſin-*

* Duties of Men, vol. ii. p. 139. Note.

cerity will admit. "I know very well," ſays he, "that the ſentence, as it now ſtands, conveys to you, "and was meant by you to convey to others, the "ſame ſentiment which it would expreſs after the "propoſed addition. But if I am not miſtaken in "my idea, that there are few profeſſional temptations "to which medical men are more liable, and fre-"quently from the very beſt principles, than that of "unintentionally uſing language to the patient and "his friends more encouraging than ſincerity would "vindicate on cool reflection; it may be right ſcru-"pulouſly to guard the avenues againſt ſuch an error."

In the *Enquiry into the Duties of Men*, the ſame excellent moraliſt thus delivers his ſentiments more at large. "A profeſſional writer, ſpeaking, in a work "already quoted,* reſpecting the performance of "ſurgical operations in hoſpitals, remarks, that it "may be a ſalutary as well as an humane act, in the "attending phyſician, occaſionally to aſſure the patient "that every thing goes on well, *if that declaration "can be made with truth.* This reſtriction, ſo pro-"perly applied to the caſe in queſtion, may with "equal propriety be extended univerſally to the "conduct of a phyſician, when ſuperintending opera-"tions performed, not by the hand of a ſurgeon, but "by nature and medicine. Humanity, we admit, "and the welfare of the ſick man commonly require, "that his drooping ſpirits ſhould be revived by every

* Percival's Medical Ethics, chap. i.

"encouragement and hope, which can honeſtly be "ſuggeſted to him. But truth and conſcience for- "bid the phyſician to cheer him by giving pro- "miſes, or raiſing expectations, which are known, "or intended, to be deluſive. The phyſician may "not be bound, unleſs expreſsly called upon, inva- "riably to divulge, at any ſpecific time, his opinion "concerning the uncertainty or danger of the caſe: "but he is invariably bound never to repreſent the "uncertainty or danger as leſs than he actually be- "lieves it to be; and whenever he conveys, directly "or indirectly, to the patient or to his family, any "impreſſion to that effect, though he may be miſled "by miſtaken tenderneſs, he is guilty of poſitive "falſehood. He is at liberty to ſay little; but let "that little be true. St. Paul's direction, *not to do* "*evil that good may come*, is clear, poſitive, and "univerſal."*

Whether this ſubject be viewed as regarding general morality, or profeſſional duty, it is of high importance; and we may juſtly preſume, that it involves conſiderable difficulty and intricacy, becauſe oppoſite opinions have been advanced upon it by very diſtinguiſhed writers. The ANCIENTS, though ſublime in the abſtract repreſentations of virtue, are ſeldom preciſe and definite in the detail of rules for its obſervance. Yet in ſome inſtances they extend their precepts to particular caſes: and Cicero, in the Third

* Duties of Men, vol. ii. p. 148.

Book of his Offices, expreſsly admits of limitations to the abſolute and immutable obligation of fidelity and truth.

The maxim of the poet, alſo, may be adduced as intended to be comprehenſive of the moral laws by which human conduct is to be governed:

——— "Sunt certi denique fines,
"Quos ultrá citráque nequit conſiſtere rectum."†

The early FATHERS of the Chriſtian church, Origen, Clement, Tertullian, Lactantius, Chryſoſtom, and various others, till the period of St. Auguſtine, were latitudinarians on this point. But the holy father laſt mentioned, if I miſtake not, in the warmth of his zeal, declared that he would not utter a lie, though he were aſſured of gaining heaven by it. In this declaration there is a fallacy, by which Auguſtine probably impoſed upon himſelf. For a lie is always underſtood to conſiſt in a *criminal* breach of truth, and therefore under no circumſtances can be juſtified. It is alleged, however, that falſehood may loſe the eſſence of lying, and become even praiſe-worthy, when the adherence to truth is incompatible with the practice of ſome other virtue of ſtill higher obligation. This opinion almoſt the whole body of CIVILIANS adopt, with full confidence of its rectitude. The ſentiments of Grotius may be ſeen at large in the ſa-

† Horat. Sat. lib. i. Sat. i. 106.

tisfactory detail which he has given of the controverſy relating to it.*

Puffendorff, who may be regarded as next to this great man in ſucceſſion as well as authority, delivers the following obſervations in his *Law of Nature and Nations*, which are pointedly applicable to the preſent ſubjects, yet carried aſſuredly to a very reprehenſible extent: "Since thoſe we talk to may often be in "ſuch circumſtances, that if we ſhould tell them the "downright truth of the matter, it would prejudice "them, and would incapacitate us for procuring that "lawful end we propoſe to ourſelves for their good; "we may in theſe caſes uſe a fictitious or figurative "way of ſpeech, which ſhall not directly repreſent "to our hearers our real thoughts and intentions: for "when a man is deſirous, and it is his duty, to do a "piece of ſervice, he is not bound to take meaſures "that will certainly render his attempts unſucceſsful."†—"Thoſe are by no means guilty of lying, "who, for the better information of children, or "other perſons not capable of reliſhing the naked "truth, entertain them with fictions and ſtories: nor "thoſe who invent ſomething that is falſe, for the "ſake of a good end, which by the plain truth they "could not have compaſſed; as, ſuppoſe, for protecting an innocent, for appeaſing a man in his

* See the ſecond, third, and fourth paragraphs of the 10th Sect. cap. 1, lib. 3, of Grotius de Jure Bell. ac Pac.—Alſo, the 14th, 15th, and 16th Sections of the ſame chapter.

† Spavan's Puffendorff, vol. ii. cap. i. p. 6.

" paſſion, for *comforting the afflicted*,, for *animating* " *the timorous*, for *perſuading a nauſeating patient to* " *take his phyſic*, for overcoming an obſtinate humour, " for making an ill deſign miſcarry."*

Several modern ETHICAL WRITERS, of conſiderable celebrity, have been no leſs explicit and indulgent on this queſtion. Amongſt theſe, it may ſuffice to cite the teſtimony of the late Dr. Francis Hutcheſon, of Glaſgow; of whom it is ſaid by his excellent biographer, that " he abhorred the leaſt " appearance of deceit, either in word or action."† " When in certain affairs," ſays he, " it is known " that men do not conceive it an injury to be de- " ceived, there is no crime in falſe ſpeech about ſuch " matters.—No man cenſures a phyſician for deceiv- " ing a patient too much dejected, by expreſſing good " hopes of him; or by denying that he gives him a " proper medicine, which he is fooliſhly prejudiced " againſt: the patient afterwards will not reproach " him for it.—Wiſe men allow this liberty to the " phyſician, in whoſe ſkill and fidelity they truſt: " or if they do not, there may be a juſt plea from " neceſſity."‡—" Theſe pleas of neceſſity ſome would " exclude by a maxim of late received, *We muſt not* " *do evil that good may come of it.* The author of this

* Spavan's Puffendorff, vol. ii. cap. i. p. 9.

† Dr. Lechman's Biographical Preface to Hutcheſon's Syſtem of Moral Philoſophy, p. 26.

‡ Hutcheſon's Syſtem of Moral Philoſophy, vol. i. p. 32, 33.

" maxim is not well known. It ſeems by a paſſage
" in St. Paul, that Chriſtians were reviled as teaching
" that ſince the mercy and veracity of GOD were dis-
" played by the obſtinate wickedneſs of the Jews,
" they ſhould continue in ſin, that this good might
" enſue from it. He rejects the imputation upon his
" doctrine; and hence ſome take up the contradictory
" propoſition, as a general maxim of great importance
" in morality. Perhaps it has been a maxim
" among St. Paul's enemies, as they upbraid him with
" counteracting it. Be the author who they pleaſe,
" it is of no uſe in morals, as it is quite vague and
" undetermined. Muſt one do nothing for a good
" purpoſe, which would have been evil without this
" reference? It is evil to hazard life without a view
" to ſome good; but when it is neceſſary for a pub-
" lic intereſt, it is very lovely and honourable.
" It is criminal to expoſe a good man to danger for
" nothing; but it is juſt even to force him into the
" greateſt dangers for his country. It is criminal to
" occaſion any pains to innocent perſons without a
" view to ſome good; but for reſtoring of health we
" reward chirurgeons for ſcarifyings, burnings, and
" amputations. *But*, ſay they, *ſuch actions, done for*
" *theſe ends, are not evil. The maxim only determines*
" *that we muſt not do, for a good end, ſuch actions as*
" *are evil even when done for a good end.* But this
" propoſition is identic and uſeleſs; for who will
" tell us next, what theſe actions, ſometimes evil, are,
" which may be done for a good end? and what

"actions are so evil that they must not be done even "for a good end? The maxim will not answer this "question; and truly it amounts only to this trifle; "*you ought not for any good end to do what is evil, or* "*what you ought not to do even for a good end.*"*

Dr. Johnson, who admits of some exception to the Law of Truth, strenuously denies the right of telling a lie to a sick man for fear of alarming him. "You "have no business with consequences," says he, "you are to tell the truth. Besides, you are not sure "what effect your telling him that he is in danger "may have. It may bring his distemper to a crisis, "and that may cure him. Of all lying I have the "greatest abhorrence of this, because I believe it has "been frequently practised on myself."†

If the medical reader wish to investigate this nice and important subject of casuistry, he may consult *Grotius de Jure Bell. ac Pacis*; Puffendorff; Grove's Ethics; Balguy's Law of Truth; Cambray's Telemachus; Butler; Hutcheson; Paley; and Gisborne. Every practitioner must find himself occasionally in circumstances of very delicate embarrassment, with respect to the contending obligations of veracity and professional duty: and when such trials occur, it will behove him to act on fixed principles of rectitude, derived from previous information, and serious reflection. Perhaps the following brief considerations,

* Hutchinson's System of Mor. Phil. vol. ii. p. 132.

† See Boswell's life of Johnson, p. 570.

by which I have conſcientiouſly endeavoured to govern my own conduct, may afford ſome aid to his deciſion.

Moral truth, in a profeſſional view, has two references; one to the party to whom it is delivered, and another to the individual by whom it is uttered. In the firſt, it is a *relative duty*, conſtituting a branch of juſtice; and may be properly regulated by the divine rule of equity preſcribed by our Saviour, to *do unto others as we would*, all circumſtances duly weighed, *they ſhould do unto us*. In the ſecond, it is a *perſonal duty*, regarding ſolely the ſincerity, the purity, and the probity of the phyſician himſelf. To a patient, therefore, perhaps the father of a numerous family, or one whoſe life is of the higheſt importance to the community, who makes enquiries which, if faithfully anſwered, might prove fatal to him, it would be a groſs and unfeeling wrong to reveal the truth. His right to it is ſuſpended, and even annihilated; becauſe its beneficial nature being reverſed, it would be deeply injurious to himſelf, to his family, and to the public: and he has the ſtrongeſt claim, from the truſt repoſed in his phyſician, as well as from the common principles of humanity, to be guarded againſt whatever would be detrimental to him. In ſuch a ſituation, therefore, the only point at iſſue is, whether the practitioner ſhall ſacrifice that delicate ſenſe of veracity, which is ſo ornamental to, and indeed forms a characteriſtic excellence of, the virtuous man, to this claim of profeſſional juſtice and ſocial

duty. Under ſuch a painful conflict of obligations, a wife and good man muſt be governed by thoſe which are the moſt imperious; and will therefore generouſly relinquiſh every conſideration, referable only to himſelf. Let him be careful, however, not to do this, but in caſes of real emergency, which happily ſeldom occur; and to guard his mind ſedulouſly againſt the injury it may ſuſtain by ſuch violations of the native love of truth.

I ſhall conclude this long note with the two following very intereſting biographical facts. The husband of the celebrated Arria, Cæcinna, Pætus, was very dangerouſly ill. Her ſon was alſo ſick at the ſame time, and died. He was a youth of uncommon accompliſhments; and fondly beloved by his parents. Arria prepared and conducted his funeral in ſuch a manner, that her huſband remained entirely ignorant of the mournful event which occaſioned that ſolemnity. Pætus often enquired with anxiety about his ſon; to whom ſhe cheerfully replied, that he had ſlept well, and was better. But if her tears, too long reſtrained, were burſting forth, ſhe inſtantly retired, to give vent to her grief; and when again compoſed, returned to Pætus, with dry eyes, and a placid countenance, quitting, as it were, all the tender feelings of the mother at the threſhold of her huſband's chamber.†

† Plin. Epiſt. 16. lib.. iii.

Lady Ruſſel's only ſon, Wriotheſley Duke of Bedford, died of the ſmall-pox in May 1711, in the 31ſt year of his age. To this affliction ſucceeded, in Nov. 1711, the loſs of her daughter, the Ducheſs of Rutland, who died in child-bed. Lady Ruſſel, after ſeeing her in the coffin, went to her other daughter, married to the Duke of Devonſhire, from whom it was neceſſary to conceal her grief, ſhe being at that time in child-bed likewiſe; therefore ſhe aſſumed a cheerful air, and with aſtoniſhing reſolution, verbally agreeable to truth, anſwered her anxious daughter's enquiries with theſe words,—"I have ſeen your ſiſter out of bed to-day."*

Note VIII. *Chap.* II. *Sect.* V.

THE PRACTICE OF A PRIOR PHYSICIAN SHOULD BE TREATED WITH CANDOUR, AND JUSTIFIED SO FAR AS TRUTH AND PROBITY WILL PERMIT.

MONTAIGNE, in one of his eſſays, treats, with great humour, of phyſic and phyſicians; and makes it a charge againſt them, that they perpetually direct variations in each other's preſcriptions. "Whoever ſaw," ſays he, "one phyſician approve of the preſcription of another, without taking ſomething away,

* Note to the Letters of Lady Ruſſel, 4to. Letter 149, p. 204.

or adding ſomething to it? By which they ſufficiently betray their act, and make it manifeſt to us, that they therein more conſider their own reputation, and conſequently their profit, than their patient's intereſt."*

Note IX. *Chap.* II. *Sect.* IX.

THEORETICAL DISCUSSIONS SHOULD BE GENERALLY AVOIDED.

THIS rule is not only applicable to conſultations, but to any reaſonings on the nature of the caſe, and of the remedies preſcribed, either with the patient himſelf or his friends. It is ſaid by my lamented friend Mr. Seward, in his entertaining anecdotes, that the late Lord Mansfield gave this advice to a military gentleman, who was appointed governor of one of our iſlands in the Weſt-Indies, and who expreſſed his apprehenſions of not being able to diſcharge his duty as chancellor of his province:—"When you decide, never give reaſons for your deciſion. You will in general decide well; yet may give very bad reaſons for your judgment."†

* Montaigne's Eſſays, book ii. ch. xxxvii. p. 703.—Conſult alſo the ſame chapter, page 719.

† Anecdotes of diſtinguiſhed Perſons, vol. ii. p. 361.

Note X. *Chap.* II. *Sect.* XI.

REGULAR ACADEMICAL EDUCATION.

" IT has been the general opinion," ſays Dr. Johnſon, " that Sydenham was made a phyſician by accident and neceſſary; and Sir R. Blackmore reports, in the preface to his Treatiſe on the Small-pox, that he engaged in practice without any preparatory ſtudy, or previous knowledge of the medicinal ſciences; affirming, that when he was conſulted by him what books he ſhould read to qualify him for the ſaid profeſſion, he recommended Don Quixote. That he recommended Don Quixote to Blackmore (continues Dr. Johnſon) we are not allowed to doubt; but the relator is hindered, by the ſelf-love which dazzles all mankind, from diſcovering that he might intend a ſatire, very different from a general cenſure of all the ancient and modern writers on medicine; ſince he might perhaps mean, either ſeriouſly, or in jeſt, to inſinuate, that Blackmore was not adapted by nature to the ſtudy of phyſic; and that whether he ſhould read Cervantes or Hippocrates, he would be equally unqualified for practice, and equally unſucceſsful in it. Whatſoever was his meaning, nothing is more evident than that it was a tranſient ſally of an imagination warmed with gaiety; or the negligent effu-

ſion of a mind intent upon ſome other employment, and in haſte to diſmiſs a troubleſome intruder." Sydenham himſelf has declared, that after he determined upon the profeſſion of phyſic, he applied in earneſt to it, and ſpent ſeveral years in the Univerſity of Oxford, before he began to practiſe in London. He travelled afterwards to Montpelier in queſt of more information; ſo far was he from any contempt of academical inſtitutions; and ſo far from thinking it reaſonable to learn phyſic by experiments alone, which muſt neceſſarily be made at the hazard of life."*

But it is highly injurious to the uſefulneſs and honour of the profeſſion, to ſuppoſe the education of a phyſician may be confined to the purſuit of medicine as an *art*. Sir W. Blackſtone, in his introduction to his Commentaries on the Laws of England, has reprobated the cuſtom of placing the juridical ſtudent at the deſk of ſome ſkilful attorney, in order to initiate him early in all the depths of practice, and to render him more dexterous in the mechanical part of buſineſs. This illiberal path to the bar is not to be ſanctioned, he obſerves, by a few particular inſtances of perſons, who, through the force of tranſcendant genius, have been able to overcome every diſadvantage: and he points out, in very forcible terms, and with ſound argument, how eſſential it is to the lawyer to form his ſentiments by the peruſal of the pureſt claſſical authors; to learn to reaſon with pre-

* See Johnſon's Life of Sydenham.

ciſion by the ſimple but clear rules of unſophiſticated logic; to fix the attention, and ſteadily to purſue truth through the moſt intricate deductions, by an acquaintance with mathematical demonſtration; and to acquire enlarged conceptions of nature and of art, by a view of the ſeveral branches of experimental philoſophy. Now if this be the *vantage ground*, to adopt the language of Lord Bacon, from which the ſtudy of the law ſhould commence; it ought to be deemed at leaſt equally neceſſary to qualify for the proſecution of medicine—a ſcience which has man, as a compound of matter and mind, for its ſubject, and an infinitude of ſubſtances derived from the animal, vegetable, and mineral kingdoms, for its inſtruments. This ſentiment ſeems to have been early prevalent in the celebrated ſchool of phyſic, eſtabliſhed at Salerno in Italy. For it was enacted, A. D. 1237, by the heads of colleges there, that the pupils ſhould be bound to paſs three years in the acquiſition of phyloſophy, and five ſubſequent years in that of medicine.* The like regulations were afterwards adopted

* Vide Bulæi Hiſt. Univers. Paris, vol. p. 158.—Henry's Hiſtory of Great-Britain, vol. viii. p. 206.

Dr. Freind, in his *Hiſt. Medicinæ*, has given a ſomewhat different account of the celebrated School of Salernum. " *Sunt in eo decem* " *Doctores, qui ſibi invicem, juxta creationis ordinem, ſuccedunt.* " *Candidatorum examinatio ſeveriſſima eſt, quæ fit aut in Galeni* " *Therapeuticis, aut in primo primi Canonis Avicennæ, aut in* " *Aphoriſmis. Is qui Doctoratum ambit unum ac viginti annos* " *habere debet (verum hic lapsum subeſſe autumo, cum ſcribendum ſit* " *viginti quinque vel ſeptem) ac teſtimonia proferre, quæ per ſeptem* " *annos eum Medicinæ ſtuduiſſe doceant. Quod ſi inter Chirurgos* " *recipi cupiat, Anatomiam per anni ſpatium didiciſſe hunc oportet:*

in other Univerſities; but in various countries have fallen into diſuſe.*

On the firſt revival of learning in Europe, ſcience was held in the higheſt eſtimation; and the three faculties of law, phyſic, and divinity, aſſumed particular honours and privileges. Academical degrees were conferred on their members; and theſe titles, with the rank annexed to them, were admitted *ubique gentium;* being, like the order of knighthood, of univerſal validity. Doctors indeed contended ſometimes with knights for precedence, and the diſputes were not unfrequently terminated by advancing the former to the dignity of knighthood. It was even aſſerted that a doctor had a right to that title, without creation.†

Note XI. *Chap.* II. *Sect.* XV.

PECUNIARY ACKNOWLEDGMENTS.

THE following fact, related in Dr. Johnſon's Life of Addiſon, is applicable to the profeſſional conduct

"*jurandum ei est, fidelem se ac morigerum Societati futurum,*
"*præmia a pauperibus oblata recuſaturum, neque Pharmacopolarum,*
"*lucri participem fore. Tum liber in ejus manum traditur, annulus*
"*digito induitur, Caput laurea redimitur, atque ipſe osculo dimit-*
"*titur. Multa alia Statuta sunt ad Praxeos ordinationem per-*
"*tinentia; Pharmacopolæ præſertim, ut juxta Medici præcepta*
"*componant Medicamenta, et ut ea certo pretio divendant, obligantur.*"

I. FREIND OPERA MED. p. 537.

* Eſprit des Loix, liv. xxix. chap. xiv.

† Conſult *Seb. Bachmeiſteri Antiqitates Roſtoch; Crevier Hiſt. de l'Univers. de Paris;* and Dr. Robertſon's Proofs and Illuſtrations, annexed to his View of the State of Europe.—Hiſt. Charles V. vol. i. p. 387, 8vo.

of phyſicians towards their friends. "When Addiſon was in office, (under the Duke of Wharton, as Lord-Lieutenant of Ireland,) he made a law to himſelf, as Swift has ſtated, never to remit his regular fees, in civility to his friends. "For," ſaid he, "I may have an hundred friends, and if my fee be two guineas, I ſhall, by relinquiſhing my right, loſe two hundred guineas, and no friend gain more than two; there is therefore no proportion between the good imparted, and the evil ſuffered."* In recording Mr. Addiſon's *prudential* conduct, his probity, with reſpect to pecuniary acknowledgments, ſhould not be unnoticed. In a letter, relative to the caſe of Major Dunbar, he ſays, "And now, Sir, believe me, when I aſſure you, I never did, nor ever will, on any pretence whatſoever, take more than the ſtated or cuſtomary fees of my office. I might keep the contrary practice concealed from the world, were I capable of it; but I could not from myſelf; and I hope I ſhall always fear the reproaches of my own heart, more than thoſe of all mankind."†

At a period when empirics and empiriciſm ſeem to have prevailed much in Rome, the exorbitant demands of medical practitioners, particularly for certain ſecret compoſitions which they diſpenſed, induced the Emperor Valentinian to ordain, that no individual of the faculty ſhould make an expreſs charge for his attendance on a patient; nor even avail himſelf of

* See Johnſon's Lives of the Poets. † Idem.

any promiſe of remuneration during the period of ſickneſs; but that he ſhould reſt ſatisfied with the donative voluntarily offered at the cloſe of his miniſtration.*: By the ſame law, however, the Emperor provided that one practitioner, at leaſt, ſhould be appointed for each of the fourteen ſections into which the Roman metropolis was divided, with ſpecial privileges, and a competent ſalary for his ſervices; thus indirectly, yet explicitly, acknowledging that a phyſician has a full claim in equity to his profeſſional emoluments. Is it not reaſonable, therefore, to conclude, that what ſubſiſted as a *moral right*, ought to have been demandable, under proper regulations, as a *legal right?* For it ſeems to be the office of law to recognize and enforce that which natural juſtice recognizes and ſanctions.

The Roman advocates were ſubject to the like reſtrictions, and from a ſimilar cauſe. For their rapacity occaſioned the revival of the Cincian ordinance, "*quâ cavetur antiquitùs, ne quis ob cauſam orandam pecuniam donumve accipiat.*" But Tacitus relates, that when the ſubject was brought into diſcuſſion before Claudius Cæſar, amongſt other arguments in favour of receiving fees, it was forcibly urged, *ſublatis ſtudiorum pretiis, etiam ſtudia peritura;* and that, in conſequence, the prince "*capiendis pecuniis poſuit modum, uſque ad dena ſeſtertia, quæ egreſſi repetundarum tenerentur.*"†

* Vid. Cod. Theodos. lib. xiii. tit. iii.

† Annal. lib. xi. p. 168, edit. Lipſii.

A preciſe and invariable *modus*, however, would be injurious both to the barriſter and the phyſician, becauſe the fees of each ought to be meaſured by the value of his time, the eminence of his character, and by his general rule of practice. This rule, with its antecedents, being well known, a *tacit compact* is eſtabliſhed, reſtrictive on the claims of the practitioner, and binding on the probity of the patient. Law cannot properly, by its ordinances, eſtabliſh the cuſtom, which will and ought to vary in different ſituations, and under different circumſtances. But a court of judicature, when formally appealed to, ſeems to be competent to authorize it if juſt, and to correct it if unjuſt. Such deciſions could not wholly change the honorary nature of fees; becauſe they would continue to be increaſed, at the diſcretion of the affluent, according to their liberality and grateful ſenſe of kind attentions; and diminiſhed, at the option of the phyſician, to thoſe who may, from particular circumſtances, require his beneficence.

From the Roman code, the eſtabliſhed uſage, in different countries in Europe, relative to medical fees, has probably originated. This uſage, which conſtitutes common law, ſeems to require conſiderable modification to adapt it to the preſent ſtate of the profeſſion. For the general body of the faculty, eſpecially in the united kingdoms of Great-Britain and Ireland, are held in very high eſtimation, on account of their liberality, learning, and integri-

ty:* and it would be difficult to assign a satisfactory reason why they should be excluded from judicial protection, when the just remuneration of their services is wrongfully withheld. Indeed a medical practitioner, one especially who is settled in a provincial town, or in the country, may have accumulated claims from long-protracted and often expensive attendance; and his pecuniary acknowledgments may be refused from prejudice, from captiousness, from parsimony, or from dishonesty. Under such circumstances, considerations of benevolence, humanity, and gratitude, are wholly set aside: because when disputes arise, they must be suspended or extinguished; and the question at issue can alone be decided on the principles of *commutative justice*.

* Of this truth, it has been my duty and inclination to offer several proofs, of unquestionable authority, in different parts of the present work. Two additional ones now occur to my recollection, which I shall here insert. Mr. Pope, writing to Mr. Allen, concerning his obligations to Dr. Mead, and other physicians, about a month before his death, says, "There is no end of my kind treat-"ment from the faculty. They are in general the most amiable "companions and the best friends, as well as the most learned men "I know." The Rev. Dr. Samuel Parr, in a letter with which he honoured me in September 1794, thus expresses himself: "I have "long been in the habit of reading on medical subjects; and the "great advantage I have derived from this circumstance is, that I "have found opportunities for conversation and friendship with a "class of men, whom, after a long and attentive survey of literary "characters, I hold to be the most enlightened professional persons "in the whole circle of human arts and sciences."

Note XII. *Chap.* II. *Sect.* XXX.

PUBLIC WORSHIP, SCEPTICISM, AND INFIDELITY.

THE neglect of ſocial worſhip, with which phyſicians have been too juſtly charged, may be traced, in many inſtances, to the period of their academical education, particularly in the univerſities, where young men are permitted to live at large, and are ſubject to no collegiate diſcipline. Sunday, affording a receſs from public lectures, is devoted, by thoſe who are ardent in ſtudy, to a review of the labours of the paſt week; to preparations for medical or ſcientific diſcuſſions in the ſocieties of which they are members; or to other purſuits, belonging to their profeſſion, but unconnected with religion. The idle and the gay, in ſuch ſituations, are eager to avail themſelves of opportunities ſo favourable to their taſte for recreation, or to their averſion to buſineſs and confinemen. In each of theſe claſſes, though actuated by different principles, there is much danger that devotional impreſſions will be gradually impaired, for want of ſtated exerciſe and renewal: and a foundation will thus be laid for habitual and permanent indifference, in future life, to divine ſervices, whenever medical avocations furniſh a *ſalvo* to the mind, and a plauſible

excuſe to the world, for non-attendance on them. This coldneſs of heart, this moral inſenſibility, ſhould be ſedulouſly counteracted before it has acquired an invincible aſcendancy. No apology ſhould be admitted for abſence from the ſtated offices of piety, but that of duties to be performed of immediate and preſſing neceſſity. When the church is entered with juſt views, it will be found that there is a ſympathy in religious homage, which at once inſpires and heightens devotion: and that to hold communion with GOD in concert with our families, our friends, our neighbours, and our fellow-citizens, is the higheſt privilege of human nature. But with a full conviction of the obligation of public worſhip, as a ſocial inſtitution, founded on common conſent, and enjoined by legal authority; as a moral duty connecting us by the moſt endearing ties with our brethren of mankind, who are joint dependants with ourſelves, on the pardon, the protection, and the bounty of GOD; and as a debt of general homage to our creator, benefactor, and judge; yet there may ſubſiſt in a devout and benevolent mind ſcruples, reſpecting doctrines and forms, ſufficient to produce an alienation from the ſacred offices of the temple. Such doubts, when they originate from ſerious enquiry, and are not the reſult of faſtidiouſneſs or arrogance, have a claim to tenderneſs and indulgence; becauſe, to act in contradiction to them, whilſt they ſubſiſt, would be a violation of ſincerity, amounting in ſome caſes to the guilt of hypocriſy. But in a country

where private judgment is happily under no reſtraint, and where ſo great diverſity of ſects prevails, it will be ſtrange, if a candid and well-informed man can find no Chriſtian denomination, with which he might accord in ſpirit and in truth. Sir Thomas Brown, in the ſtatement which he has given in his *Religio Medici*, ſeems to have allowed himſelf on theſe points very extenſive latitude.—"We have reformed from "them, viz. the Papiſts, not againſt them—and there- "fore I am not ſcrupulous to converſe and live with "them, to enter their churches in defect of ours, "and either pray with them or for them. I could "never perceive that a reſolved conſcience may not "adore her Creator any where, eſpecially in places "devoted to his ſervice; where, if their devotions "offend him, mine may pleaſe him; if theirs profane "it, mine may hallow it. I could never hear the *Ave* "*Maria* bell without an elevation, or think it a ſuffi- "cient warrant, becauſe they erred in one circum- "ſtance, for me to err in all—that is in ſilence and "dumb contempt: whilſt therefore they direct their "devotions to the Virgin, I offer mine to GOD, and "rectify the errors of their prayers by rightly order- "ing my own."

But authority, much more reſpectable than that of Sir Thomas Brown, may be adduced in favour of the ſpirit of Catholiciſm in Chriſtian communion. Mr. Locke, a ſhort time before his death, received the ſacrament according to the rites of the Church of England, though it is evident from his writings that

he diſſented from many of her doctrines. When the office was finiſhed, he told the miniſter, "that he was in perfect charity with all men, and in ſincere communion with the church of CHRIST, by what name ſoever it might be diſtinguiſhed."*—Dr. David Hartley was originally intended for the clerical profeſſion, but was prevented from going into holy orders by his ſcruples concerning ſubſcription to the thirty-nine articles. He continued, however, to the end of his life, a well-affected member of the Eſtabliſhment, approving of its practical doctrines, and conforming to its public worſhip. "He was a catholic chriſtian," ſays his ſon and biographer, "in the moſt extenſive and literal ſenſe of the term." On the ſubject of religious controverſy, he has left the following teſtimony of his ſentiments:—"The great differences of "opinion and contentions, which happen on religious "matters, are plainly owing to the violence of men's "paſſions, more than to any other cauſe. When "religion has had its due effect in reſtraining theſe, "and begetting true candour, we may expect an unity "of opinion both in religious and other matters, as "far as is neceſſary for uſeful and practicable pur-"poſes."

Theſe examples of the conduct of wiſe and conſcientious chriſtians evince, that, in their eſtimation, forms, ceremonies, and doctrines, are of a moment ſubordinate to the benefits and obligations of ſocial worſhip. But they are not adduced to ſanction an

* See Brit. Biog. vol. vii. p. 13.

indifference, either to religious rites, or religious truth. The mind will always be in the beſt frame for holy exerciſes, when the modes by which they are conducted are conſonant to its ſentiments of propriety and rectitude. And that church ſhould be habitually reſorted to, if practicable, the public ſervices of which accord moſt ſatisfactorily with the views of the individual, concerning the attributes of GOD, and the revelation of his will and promiſes to man. No perſonal friendſhip, no party connection, no profeſſional intereſt ſhould be allowed to predominate in the choice. For genuine piety, which is the joint offspring of reaſon and of ſentiment, admits of no ſubſtitutions. It conſiſts in a full conviction of the underſtanding, accompanied with correſpondent affections of the heart; and in its exerciſes calls forth their united and nobleſt energies.

It will not be foreign to the ſubject of this note to inveſtigate briefly the imputation of ſcepticiſm and infidelity, which has been laid againſt the medical faculty. The Rev. Dr. Samuel Parr, whoſe candour is unqueſtionable, and whoſe learning and genius entitle him to the higheſt reſpect, has lately ſanctioned it, as will appear by the following paſſage from his *Remarks on the Statement of Dr. Charles Combe*, pages 82, 83.—"While I allow," ſays he, "that peculiar and important advantages ariſe from "the appropriate ſtudies of the three liberal pro- "feſſions, I muſt confeſs, that in erudition, in ſcience, "and in habits of deep and comprehenſive thinking,

" the pre-eminence, in ſome degree, muſt be aſ-
" ſigned to phyſicians. The propenſity which ſome
" of them have ſhewn to ſcepticiſm, upon religious
" topics, is indeed to be ſeriouſly lamented; and it
" may be ſatisfactorily explained, I think, upon me-
" taphyſical principles, which evince the ſtrength
" rather than the weakneſs of the human mind, when
" contemplating, under certain circumſtances, the
" multiplicity and energy of phyſical cauſes. But I
" often conſole myſelf with reflecting on the ſounder
" opinions of Sir Thomas Browne, Sydenham, Boer-
" haave, and Hartley, in the days that are paſt; and
" of our own times, poſterity will remember that
" they were adorned by the virtues, as well as the
" talents, of a Gregory, a Heberden, a Falconer, &c."*

Mr. Giſborne, in his *Enquiry into the Duties of Men, in the higher and middle Claſſes of Society*, a work to which I have already referred, as an admirable ſyſtem of practical and appropriate ethics, has very explicitly and forcibly delivered his ſentiments on this intereſting ſubject. " The charge," he ſays, " may have been made on partial and inſufficient grounds; but the exiſtence of it ſhould excite the efforts of every conſcientious phyſician, to reſcue himſelf from the general ſtigma. It ſhould ſtimulate him, not to affect a ſenſe of religion which he does not entertain, but openly to avow that which

* " Of our own times, poſterity will remember that they were adorned by the virtues, as well as the talents of a Gregory, a Heberden, a Falconer, *and a Percival.*" Vide Remarks &c. by Dr. Parr. (Note of the Editor.)

he actually feels. If the charge be in some measure true, it is of importance, to the physician, to ascertain the causes from which the fact has originated, that he may be the more on his guard against their influence. The following circumstances may not have been without their weight. They who are accustomed to deep researches into any branch of philosophical science; and find themselves able to explain, to their own satisfaction, almost every phænomenon, and to account, as they apprehend, for almost every effect, by what are termed natural causes, are apt to acquire extravagant ideas of the sufficiency of human reason on all subjects; and thus learning to doubt the necessity, become prejudiced against the belief, of divine revelation. In the next place, they who justly disclaim the empire of authority in medical theories, may carelessly proceed to regard religious doctrines as theories, resting on no other foundation, and deserving of no better fate. Thirdly, it is to be observed, that men may be divided into two distinct classes, with respect to the sort of testimony on which they receive truths of any kind. They who are chiefly addicted to investigations and reasonings, founded on analogy, look primarily and with extreme partiality to that species of evidence; and if the thing asserted appear contrary to the common course of nature, more especially if it militate against any theory of their own, (and such persons are much disposed to theorise,) they are above measure reluctant to admit the reality of it; and withhold their assent,

until ſuch a number of particular proofs, incapable of being reſolved into fraud or miſconception, is produced, as would have been far more than ſufficient to convince an unbiaſſed judgment. Whereas other men, little uſed to analogical enquiries, look not around for ſuch teſtimony, either in ſupport or in refutation of an extraordinary circumſtance affirmed to them; but readily give credit to the fact on its own diſtinct proofs, or from confidence in the veracity and diſcernment of the relator. It is evident that phyſicians are to be ranked in the claſs firſt deſcribed, and are conſequently liable to its prejudices: and it is equally evident, that thoſe prejudices will render all on whom they faſten particularly averſe to recognize the truth of miracles; and will probably prevent them from examining, with impartiality, the evidence of a religion founded on miracles, and perhaps from examining it at all. Fourthly; to the preceding circumſtances muſt be added the neglect of divine worſhip, too cuſtomary among perſons of the medical profeſſion. This neglect ſeems to have contributed not only to excite and ſtrengthen the opinion of their ſcepticiſm and infidelity; but ſometimes to produce ſcepticiſm and infidelity itſelf. For it is a natural progreſs, that he who habitually diſregards the public duties of religion, ſhould ſoon omit thoſe which are private; ſhould ſpeedily begin to wiſh that religion may not be true; ſhould then proceed to doubt its truth; and at length ſhould diſbelieve it." Vol. ii. p. 192, edit. 4.

The late Dr. Gregory, of Edinburgh, anxious to ſupport the honour of a profeſſion which he loved, and of which he was a diſtinguiſhed ornament, very ſtrenuouſly repels the charge againſt it of ſcepticiſm and infidelity. Though his excellent lectures are, doubtleſs, in the hands of moſt phyſicians, yet I am tempted to make a tranſcript from them, becauſe I wiſh the preſent important ſubject to be viewed in the ſeveral lights, in which it has been preſented to the mind by different writers of acknowledged probity, information, and judgment. "I think the charge," he obſerves, "ill-founded, and will venture "to ſay, that the moſt eminent of our faculty have "been diſtinguiſhed for real piety. I ſhall only men- "tion as examples, Harvey, Sydenham, Arbuthnot, "Boerhaave, Stahl, and Hoffmann.—It is eaſy, "however, to ſee whence this calumny has ariſen. "Men whoſe minds have been enlarged by know- "ledge, who have been accuſtomed to think and to "reaſon upon all ſubjects with a generous freedom, "are not apt to become bigots to any particular ſect "or ſyſtem. They can be ſteady to their own "principles, without thinking ill of thoſe who differ "from them; but they are impatient of the autho- "rity and controul of men, who would lord it over "their conſciences, and dictate to them what they "are to believe. This freedom of ſpirit, this mode- "ration and charity for thoſe of different ſentiments, "have frequently been aſcribed, by narrow-minded "people, to ſecret infidelity, ſcepticiſm, or, at leaſt, to

" lukewarmneſs in religion; while ſome who were " ſincere Chriſtians, exaſperated by ſuch reproaches, " have ſometimes expreſſed themſelves unguardedly, " and thereby afforded their enemies a handle to " calumniate them. This, I imagine, has been the " real ſource of that charge of infidelity, ſo often and " ſo unjuſtly brought againſt phyſicians."

" The ſtudy of medicine, of all others, ſhould be " the leaſt ſuſpected of leading to impiety. An inti- " mate acquaintance with the works of nature raiſes " the mind to the moſt ſublime conceptions of the " Supreme Being; and at the ſame time dilates the " heart with the moſt pleaſing views of Providence. " The difficulties that neceſſarily attend all deep en- " quiries into a ſubject ſo diſproportionate to the " human faculties, ſhould not be ſuſpected to ſurprize " a phyſician, who, in his practice, is often involved " in perplexity, even in ſubjects expoſed to the exa- " mination of his ſenſes."

" There are, beſides, ſome peculiar circumſtances " in the profeſſion of a phyſician, which ſhould natu- " rally diſpoſe him to look beyond the preſent ſtate " of things, and engage his heart on the ſide of " religion. He has many opportunities of ſeeing " people, once the gay and the happy, ſunk in deep " diſtreſs; ſometimes devoted to a painful and lin- " gering death; and ſometimes ſtruggling with the " tortures of a diſtracted mind. Such afflictive ſcenes, " one ſhould imagine, might ſoften any heart, not " dead to every feeling of humanity; and make it

" reverence that religion, which alone can ſupport the " ſoul in the moſt complicated diſtreſſes; that reli- " gion, which teaches to enjoy life with cheerfulneſs, " and to reſign it with dignity."

The judicious and animated conſiderations which are here delivered, could proceed only from a mind actuated by the principles of virtue and religion: and I truſt, the great majority of phyſicians have their feelings in uniſon with thoſe of the amiable writer I have quoted. But there may be ſome who have been hardened to moral apathy, by the very cauſes which ſhould excite benevolence and piety. It has been well remarked, by divines and metaphyſicians, that *paſſive impreſſions* become progreſſively weaker by frequent recurrence; and that the heart is liable to grow callous to ſcenes of horror and diſtreſs, and even to the view of death itſelf. This law of nature is intended, by the wiſe and benignant Author of our frame, to anſwer the moſt ſalutary purpoſes, by co-operating with another of equal, perhaps ſuperior, force. For *active propenſities* are formed, and gradually ſtrengthened, by the like renewal of the circumſtances which excite them. The love of goodneſs is thus rendered habitual; and rectitude of conduct is ſteadily and uniformly purſued, without ſtruggle or perturbation. Under ſuch circumſtances the human character then attains the higheſt excellence, of which this probationary ſtate is capable; and perhaps the medical profeſſion is more favourable than any other to the formation of

a mental conſtitution, that unites in it very high degrees of intellectual and moral vigour; becauſe it calls forth the ſteady and unremitting exertions of benevolence, under the direction of cultivated reaſon; and, by opening a wider and wider ſphere of duty, progreſſively augments their reciprocal energies.

But the connection between the laws of impreſſion and of habit is not ſo determinate and neceſſary, as to be wholly independent of the agent who is under their influence. By a perverſion of the underſtanding and the will, they may be, and ſometimes are, ſeparated. The affections alſo, when the temperament is phlegmatic, ſubſiſt only in a languid ſtate; and are too evaneſcent to produce a permanently correſpondent frame of mind. If with this coldneſs of heart, a ſceptical turn of thinking, happen to be aſſociated, either conſtitutionally or from the caſualties of ſtudy and connections, virtuous principles will gradually decay; all the tender charities of life will ſoon be extinguiſhed; a future ſtate will be either diſbelieved or regarded with indifference; and practical atheiſm will enſue, with the whole train of evils which reſult from a denial of the creative agency of God, or his divine adminiſtration. Allowing this to be an extreme, and barely poſſible caſe, a conceſſion which I am ſolicitous to grant to my countrymen, notwithſtanding what has been fatally experienced in a neighbouring kingdom; yet different gradations towards it may ſubſiſt, and the firſt ſtep ſhould be avoided with ſedulous care. The countervailing power of religion

is here eſſentially neceſſary, becauſe nothing beſides can furniſh motives to rectitude, of adequate dignity, weight, and authority. To reſtore the impreſſions of piety which have been loſt or impaired, without falling into the fervours of enthuſiaſm, or the gloom of ſuperſtition, may be an arduous taſk, a taſk that will require time and perſeverance to accompliſh. But the attainment will amply repay the labour, by the ſweet ſatisfaction which a phyſician cannot fail to derive from the conſciouſneſs, that he exerciſes his profeſſion under the inſpection of a Being, who approves and will reward every effort to acquire his favour by doing good to mankind. In his offices of humanity, he will feel an intereſt and elevation, of which thoſe can have no conception who regard the human race, and conſequently the ſufferers under their care, not as the offspring of God, or as expectants of immortality, but as the creatures of a day, formed by the caſual concourſe or the natural appetences of atoms, and born only to periſh. Such degrading and unhappy notions often ſpring from a love of paradox; a paſſion for novel hypotheſis; ambition to be victorious in ſubtle diſputation; and a contempt for eſtabliſhed authority, accompanied, for the moſt part, with an implicit ſubmiſſion to empirics in ſcience, who dogmatize moſt, when they aſſume the maſk of ſcepticiſm. To the ſucceſsful purſuit of truth, it is neceſſary to bring a well-diſciplined mind, modeſt and ſober in its views, uninfluenced not only by vulgar, but by philoſophical prejudices, which are

far more dangerous, becauſe more plauſible and faſcinating. When ſubjects which relate to theology are inveſtigated, reverence and humility ſhould be aſſociated with all our reaſonings. No practice is more ſubverſive of devotional ſentiment, than that of carrying into religious diſcuſſions the licentiouſneſs of thought and expreſſion, which young phyſicians are too apt to indulge on medical topics. He who can ſuffer himſelf to treat his Maker with indifference and with levity, whether it be in utterance or in contemplation, will ſoon loſe the religious impreſſions of reverence, gratitude, and love; and his mind will then be prepared for the ſyſtems of impiety and atheiſm, which of late have been ſo boldly promulgated under the impoſing name of philoſophy. Productions of this claſs ſhould be ſhunned, even by thoſe who are thoroughly grounded in rational faith; becauſe familiarity with them can hardly fail to impair the moral ſenſibilities of the heart. They are *evil communications*, which forcibly tend to *corrupt good manners*.

To the comprehenſive view of a well-educated phyſician, the Divine Being will appear, with the fulleſt manifeſtation, in all without and all within him. Through the ſeveral kingdoms of nature, with which he is intimately acquainted, he traces every where deſign, intelligence, power, wiſdom, and goodneſs: and in the frame of his own body, as well as in the conſtitution of his mental faculties, he finds eſpecial reaſon to conclude, that above all the other works of the creation, *he is fearfully and wonderfully made.*

The daily offices of his profeſſion diſcloſe to him irrefragable proofs of the providence and moral government of GOD.—Health, as conſiſting in the ſoundneſs and vigour of the bodily organs, and in their complete aptitude for exertion and enjoyment, is doubtleſs of inеſtimable conſideration. But the occaſional ſuſpenſion of this bleſſing may be neceſſary to obviate the abuſes to which it is liable; to evince its high value; to remedy the injuries it may have ſuſtained; and to inſure its future more permanent duration. A ſtrong conſtitution is too often made ſubſervient to ſenſuality, ebriety, and other licentious indulgences; which, if not ſeaſonably interrupted by the experience of *conſequential ſuffering*, would prove deſtructive to the animal œconomy, and bring on premature decrepitude or death. Diſeaſes, under theſe circumſtances, furniſh a beneficial reſtraint, and preſerve the mind from contamination; whilſt they are often the remedies, which nature has kindly provided, for the reſtoration of the vital functions. A good, which has been loſt and beneficently reſtored, will be prized according to its high deſert; and being cheriſhed with aſſiduous care, will be prolonged and applied to its proper uſes, in the great buſineſs of life. But ſickneſs, it muſt be acknowledged, is not always remedial in its tendency; and frequently produces degrees of protracted languiſhment and pain, grievous to endure, and obſtructive of thoſe *active offices*, which, in his preſent ſphere, man is called upon to perform. There are duties, however, of another claſs, not leſs eſſential to the improvement

and excellence of his *moral* and *religious character:* and where is a ſchool to be found, like the chamber of ſickneſs, for meekneſs, patience, reſignation, gratitude, and devout truſt in GOD? There pride is humbled; the angry paſſions ſubſide; animoſities ceaſe; and the vanities of the world loſe their bewitching attractions. Falſe aſſociations are there corrected; true eſtimates are formed; and whilſt the *paſſive virtues* are cultivated in the ſuffering individual, all who miniſter to him have their beſt diſpoſitions exerciſed, and improved. Tenderneſs, humanity, ſympathy, friendſhip, and domeſtic love, on ſuch occaſions, find that ſphere which is peculiarly adapted to their exertion; and all the ſofter charities derive from theſe ſources their higheſt refinements.*

Rational theiſm leads the mind, by fair and neceſſary induction, to extend its views to revelation. He who has diſcovered the divine wiſdom, power, and goodneſs, through the various works of creation, will feel a ſolicitude to make farther advances in ſacred knowledge; and the more profoundly he venerates the Author of his being, the more earneſt will he be to become acquainted with his will; with the means of conciliating his favour; with the duration of his own exiſtence; and with his future deſtination. Several diſtinguiſhed characters in the heathen world have, in a very explicit manner, teſtified the truth of his obſervation. Suffice it to ſtate only the following

* See A Father's Inſtructions, part iii. p. 512, 9th edition.

remarkable paſſages from Plato: "A divine revela-
"tion is neceſſary to explain the true worſhip of
"GOD—to add authority to moral precepts—to aſſiſt
"our beſt endeavours in a virtuous courſe—to fix
"the future rewards and puniſhments of virtuous
"and vicious conduct—and to point out ſome accept-
"able expiation for ſin." He introduces Socrates, aſſuring Alcibiades, "that in a future time a divine
"perſon will appear, who, in pure love to man, ſhall
"remove all darkneſs from his mind, and inſtruct him
"how to offer his prayers and praiſes in the moſt
"acceptable way to the Divine Being." The privileges which this intelligent and amiable philoſopher ardently looked for, we happily enjoy. Chriſtianity has brought life and immortality to light: and the goſpel is the ſacred charter of our expected inheritance of felicity. To regard with indifference what is ſo momentous, is the groſſeſt folly; to be diſſatisfied with its evidence argues the want of diſcernment and of candour; and to reject it, without deliberate and conſcientious inveſtigation, is a high degree of impiety. The appeal, however, muſt finally be made to the judgment of every individual: and we may humbly hope, that He who *knoweth our frame*, will pity intellectual infirmity, and pardon involuntary error.

Note XIII. *Chap.* II. *Sect.* XXXI.

UNION IN CONSULTATION OF SENIOR AND JUNIOR PHYSICIANS.

"HEAT and vivacity in age," ſays Bacon, "is an excellent compoſition for buſineſs. Young men are fitter to invent than to judge, fitter for execution than for counſel, and fitter for new projects than for ſettled buſineſs; for the experience of age in things that fall within the compaſs of it, directeth them, but in new things abuſeth them. The errors of young men are the ruin of buſineſs; but the errors of aged men amount but to this, that more might have been done, or ſooner. Young men, in the conduct and manage of actions, embrace more than they can hold; ſtir more than they can quiet; fly to the end, without conſideration of the means and degrees; purſue ſome few principles which they have chanced upon abſurdly care not to innovate, which draws unknown inconveniences; uſe extreme remedies at firſt; and that which doubleth all errors, will not acknowledge or retract them, like an unruly horſe that will neither ſtop nor turn. Men of age object too much; conſult too long; adventure too little; repent too ſoon; and ſeldom drive buſineſs home to the full period, but content themſelves with a mediocrity of ſucceſs. Certainly

it is good to compound employments of both; for that will be good for the preſent, becauſe the virtues of either age may correct the defects of both; and good for ſucceſſion, that young men may be learners, while men in age are actors: and laſtly, good for extern accidents, becauſe authority followeth old men, and favour and popularity youth. But for the moral part, perhaps youth will have the pre-eminence, as age hath for the politick."—*Bacon's Eſſay of Youth and Age.*

Note XIV. *Chap.* II. *Sect.* XXXII.

RETIREMENT FEOM PRACTICE.

THE following letters afford ſo admirable a comment on the rule to which this note refers, that it would be a falſe and unjuſtifiable delicacy not to lay them before the reader. I ſhall copy them without abridgment, becauſe they preſent at once a ſtriking diſplay of Dr. Heberden's nice ſenſe of honour and probity; of the peculiar urbanity of his manners; and of the vigour of his intellect at a very advanced period of life. His commendations of this little work, I may be allowed to confeſs, are gratifying to my feelings; though I am ſenſible of the partiality from which they flow. But the partiality of a character, dignified by ſcience and virtue, is itſelf an honour.

Copy of a Letter from William Heberden, M. D. F. R. S. &c. &c.

DEAR SIR, *Windſor, Aug.* 28, 1794.

IT is owing to my diſtance from London, that I have not ſooner made my acknowledgments, and returned my thanks for your very obliging letter. Your being able to reſume the work you had in hand, makes me hope that your good principles, with the aid of time, have greatly recovered your mind from what you muſt have ſuffered on occaſion of the great loſs in your family; and your attention in the further proſecution of it, will powerfully aſſiſt in perfectly reſtoring your tranquillity. What you have already communicated to the public, with ſo much juſt applauſe, ſhews you to be peculiarly well qualified for drawing up a Code of Medical Ethics, by the juſt ſenſe you have of your duties as a man, and by the maſterly knowledge of your profeſſion as a phyſician. I hope it will not be long before the ſheets already printed come to my hands; and I return you many thanks for intending to favour me with a ſight of them.

The pleaſure of a viſit from one of Dr. Haygarth's merit, whom I have long known and eſteemed, would probably give me ſpirits, and make him think me leſs broken than I am. I have entered my 85th year; and when I retired, a few years ago, from the practice of phyſic, I truſt it was not from a wiſh to be idle, which no man capable of being uſefully employed, has a right to be; but becauſe I was willing to give

over, before my preſence of thought, judgment, and recollection was ſo impaired, that I could not do juſtice to my patients. It is more deſirable for a man to do this a little too ſoon, than a little too late; for the chief danger is on the ſide of not doing it ſoon enough. I am, my dear ſir,

With great eſteem and regard,

Your affectionate, humble ſervant,

W. HEBERDEN.

From the Same.

DEAR SIR, *Pall-Mall, 15th Oct.* 1794.

BY the miſtake or neglect of the perſon left in my houſe in London, (to which I am juſt returned,) your Code of Medical Ethics had been ſent thither ſome time before I was made acquainted with it. I have read it, and do not wonder, that nothing could be found by me or by any one to add or alter, after a work of this kind had paſſed through the hands of one ſo much maſter of the ſubject; and who had taken no little time to conſider it, and to make the proper improvements. I am confident that the ſame might be ſaid of them, were I to read the two chapters which remain to be finiſhed. If your judicious advice and rules were duly obſerved, they would greatly contribute to ſupport the dignity of the profeſſion, and the peace and comfort of the profeſſors. There has lately been eſtabliſhed, in ſeveral of the London hoſpitals, a plan of courſes of lectures in all

the branches of knowledge uſeful to a ſtudent in phyſic. Such plans, if rightly executed, as I have no reaſon to doubt they will be, muſt make London a ſchool of phyſic ſuperior to moſt in Europe. The experience afforded in an hoſpital will keep down the luxuriance of plauſible theories. Many ſuch have been delivered in lectures, by celebrated teachers, with great applauſe; but the ſtudents, though perfectly maſters of them, not having corrected them with what nature exhibits in an hoſpital, have found themſelves more at a loſs in the cure of a patient, than an elder apprentice of an apothecary. I pleaſe myſelf with thinking, that the method of teaching the art of healing is becoming every day more comformable to what reaſon and nature require; that the errors introduced by ſuperſtition and falſe philoſophy are gradually retreating; and that medical knowledge, as well as all other dependent upon obſervation and experience, is continually increaſing in the world. The preſent race of phyſicians are poſſeſſed of ſeveral moſt important rules of practice, utterly unknown to the ableſt in former ages, not excepting Hippocrates himſelf, or even Æſculapius.

I am, dear ſir,
Your affectionate, humble ſervant,
W. Heberden.

It is an obſervation of Bacon, that letters written by wiſe men are the beſt of all human works. To theſe admirable communications, I ſhall, therefore, take the liberty of ſubjoining the extract of one,

equally intereſting, and of ſimilar import, from another Neſtor in medicine; who has long and juſtly held the firſt rank amongſt his brethren, for claſſical taſte, elegance of ſtyle, and profeſſional erudition. "I have "lately," ſays Sir George Baker, in a letter, dated Richmond, Auguſt 11th, 1802, "been in the habit "of ſpending much of my time in this place; avoiding, "when poſſible, all medical employment. Many "months have paſſed, ſince Dr. Haygarth took ſo "favourable a meaſure of me: I will not, however, "trouble you with an account of the infirmities and "privations incident to my time of life. Be it ſuf-"ficient to ſay, that I am contented with the fare "that I have met with; and hope to retire from the "feaſt of life, *uti conviva ſatur.*"

Note XV. *Chap.* IV. *Sect.* II.

PARTIAL INSANITY, WITH GENERAL INTELLIGENCE. LUCID INTERVAL.

SIR Matthew Hale, in his *Hiſtoria Placitorum Coronæ*, c. iv. has ſtated, that "There is a partial "infanity of mind; and a total infanity. The "former is either in reſpect to things, *quoad hoc "vel illud infanire;* ſome perſons that have a "competent uſe of reaſon in reſpect to ſome ſub-"jects, are yet under a particular *dementia* in re-"ſpect to ſome particular diſcourſes, ſubjects, or

"applications; or elſe it is particular in reſpect of "degrees; and this is the condition of very many, eſ- "pecially melancholy perſons, who, for the moſt part, "diſcover their defect in exceſſive fears and griefs, "and yet are not wholly deſtitute of the uſe of rea- "ſon; and this partial inſanity ſeems not to excuſe "them in the committing of any offence for its matter "capital; for doubtleſs moſt perſons that are felons of "themſelves, and others, are under a degree of par- "tial inſanity, when they commit theſe offences."— "The perſon that is abſolutely mad for a day, killing "a man in that diſtemper, is equally not guilty, as if "he were mad without intermiſſion. But ſuch per- "ſons as have their lucid intervals, (which ordinarily "happen between the full and change of the moon,) "in ſuch intervals have uſually at leaſt a competent "uſe of reaſon; and crimes committed by them in "theſe intervals are of the ſame nature, and ſubject "to the ſame puniſhment, as if they had no ſuch de- "ficiency; nay, the alienations and contracts made by "them in ſuch intervals, are obliging to their heirs "and executors."

Partial inſanity and general intelligence may ſub- ſiſt, in various degrees and proportions to each other, in different perſons; and even in the ſame perſon at different times. If Socrates had lived at thisperiod, and had not only profeſſed himſelf to be governed by the influences of a familiar ſpirit, or dæmon, but had alſo uniformly regulated his converſation and actions by this perſuaſion, he would have been juſtly charge-

able with derangement of mind; notwithſtanding the profound wiſdom which he diſplayed in his inſtructions concerning morals, and the conduct of life. Lord Herbert, of Cherbury, was highly diſtinguiſhed both for talents and erudition: but having unfortunately adopted prejudices againſt Chriſtianity, he wrote an elaborate work entitled, *De Veritate, prout diſtinguitur à Revelatione;* and knowing it would meet with much oppoſition, he remained ſome time in anxious ſuſpenſe about the publication of it. Providence, however, as he informs us in his own biographical memoirs, kindly interpoſed, and determined his wavering reſolutions. "Being thus doubtful in "my chamber, one fair day in the ſummer, my caſe-"ment being open towards the ſouth, and no wind "ſtirring, I took my book *De Veritate* in my hand, "and kneeling on my knees, devoutly ſaid, *O thou* "*eternal God, I am not ſatisfied enough whether I* "*ſhall publiſh this book; if it be to thy glory, I beſeech* "*thee give me ſome ſign from heaven; if not, I ſhall* "*ſuppreſs it.* I had no ſooner ſpoken theſe words, "but a loud, though yet gentle, noiſe came from the "heavens; which did ſo comfort and cheer me, that "I took my petition as granted, and that I had the "ſign I demanded; whereupon alſo I reſolved to "print my book." This was not a temporary deluſion of the imagination, but continued a permanent object of belief through life: and the impreſſion was more extraordinary, and more indicative of an unſound mind, becauſe Lord Herbert's chief argument

againſt Chriſtianity is, the improbability that Heaven ſhall reveal its laws *only to a portion of the earth*. For how could he, who doubted of a *partial*, confide in an *individual* revelation? Or is it poſſible that he could rationally think his book of ſufficient importance to extort a declaration of the divine will, when the intereſt and happineſs of a fourth part of mankind were deemed, by him, objects inadequate to the like diſplay of goodneſs.*

The hiſtory of the Rev. Simon Browne ſtill more remarkably exemplifies the union of vigour and imbecility, of rectitude and perverſion, in the ſame underſtanding. The loſs of his wife, and of his only ſon, ſo powerfully affected him, that he deſiſted from the duties of his clerical function, and could not be perſuaded to join in any act of worſhip to the Deity, either public or private. He "conceived that Al-"mighty GOD, by a ſingular inſtance of divine "power had, in a gradual manner, annihilated in him "the thinking ſubſtance, and utterly diveſted him "of conſciouſneſs: that though he retained the "human ſhape, and the faculty of ſpeaking, in a "manner that appeared to others rational, he had "all the while no more notion of what he ſaid than "a parrot. And, very conſiſtently with this, he "looked upon himſelf as no longer a moral agent, a "ſubject of reward or puniſhment." In this conviction he continued, with very little variation, to the

* See Walpole's Catalogues of royal and noble Authors; alſo Percival's Mor. and Lit. Diſs. p. 82.

close of life. Yet, whilst under the influence of this strange phrenzy, his faculties, in all other respects, appeared to be in full vigour. He applied himself with ardour to his studies; and was so acute a disputant, that his friends were wont to say, *he could reason as if possessed of two souls.* Indeed, both his imagination and his judgment were so improved, as to surpass the state in which they subsisted during his perfect sanity.*

In J. J. Rousseau, we have a most interesting example of morbid sensibility and depraved imagination, combined with extensive knowledge and pre-eminent genius. It is said by Madame de Stael, in her Reflections on his Character and Writings, that "sometimes "he would part with you, with all his former affec- "tion: but if an expression had escaped you, which "might bear an unfavourable construction; he "would recollect it, examine it, exaggerate it, perhaps "dwell upon it for a month, and conclude by a total "breach with you. Hence it was, that there was "scarce a possibility of undeceiving him; for the "light which broke in upon him at once, was not "sufficient to efface the wrong impressions which had "taken place so gradually in his mind. It was ex- "tremely difficult too to continue long on an intimate "footing with him. A word, a gesture, furnished "him with matter of profound meditation; he con- "nected the most trifling circumstances, like so many

* See Biog. Britan. art. Simon Browne.

"mathematical propoſitions, and conceived his con-
"cluſion to be ſupported by the evidence of de-
"monſtration."*

I have hazarded an opinion in the text, contrary to what, I believe, is uſually adopted by lawyers, that there may be caſes of partial inſanity with a high degree of general intelligence, in which the individual ought not to be precluded from the privilege of making a laſt will and teſtament. To deny the testamentary qualification to one, who, notwithſtanding ſome falſe predominant conception, has been held capable of managing his concerns with diſcretion, and whoſe bequeſts diſcover no traces of a diſturbed imagination, or unſound judgment, ſeems to be inconſiſtent both with wiſdom and with natural juſtice. Such a perſon, I preſume, is capable of acquiring property by legacy, by bargain, by transfer, by induſtry, or by office: and he is not prohibited, during life, from giving or expending poſſeſſions thus obtained. Why then does the law deprive him of the right of bequeathing after death, that which he might have diſpenſed, when alive, without controul? Whatever be the opinion which a medical practitioner may have entertained, concerning the capacity or incapacity for making a will of one under theſe circumſtances, it can hardly be neceſſary to obſerve, that his evidence,

* The reader is referred to the Elements of the Philoſophy of the Human Mind, ſect v. by Profeſſor Dugald Stewart, for ſome admirable remarks on the evils which reſult from an ill-regulated imagination

when called for in a courſe of legal enquiry, ſhould be delivered explicitly, and without any bias from his pre-conceptions. On the point litigated, it is the excluſive province of the judge and jury to decide, after a full inveſtigation of the caſe.

To determine the exiſtence of a LUCID INTERVAL in the *delirium* of *fever*, or in the more permanent alienation of mind which conſtitutes *inſanity*, the teſtimony of a phyſician is ſometimes required, in courts of law. It will be incumbent on him, therefore, to poſſeſs a clear and definite opinion on the ſubject, founded both on the nature of the malady, and the ſtate of the patient. The ceſſation of febrile delirium is not difficult to aſcertain; becauſe the rational faculties being unimpaired by a ſhort ſuſpenſion, at once manifeſt their renewal by ſigns which cannot be miſunderſtood. But the complete remiſſion of madneſs is only to be decided by reiterated and attentive obſervation. Every action and even geſture of the patient ſhould be ſedulouſly watched; and he ſhould be drawn into converſation at different times, that may inſenſibly lead him to develope the falſe impreſſions under which he labours. He ſhould alſo be employed occaſionally in buſineſs, or offices connected with, and likely to renew, his wrong aſſociations. If theſe trials produce no recurrence of inſanity, he may, with full aſſurance, be regarded as legally *compos mentis* during ſuch period; even though he ſhould relapſe, a ſhort time afterward, into his former malady.

Note XVI. *Chap.* IV. *Sect.* XIII.

DUELLING.

IN the uſages of the ancient Germans, evident traces of DUELLING may be diſcovered: but it was employed by them either as an appeal to the juſtice or to the preſcience of the gods. Velleius Paterculus informs us, that queſtions, decided amongſt the Romans by legal trial, were terminated amongſt the Germans by arms or judicial combat.† Tacitus deſcribes it as a ſpecies of divination, by which the future events of important wars were explored. A captive from the enemy was compelled to fight with a man ſelected from their own nation. Each was accoutred with his proper weapons; and the preſage of ſucceſs was determined by the iſſue of the battle.‖ A law is quoted by Stiernhoök, which ſhews, that judicial combat was, at firſt, appropriated to points reſpecting perſonal character, and that it was only ſubſequently extended to criminal caſes, and to queſtions relative to property. The terms of the law are, "If any man ſhall ſay to another theſe reproachful words, 'you are not a man equal to other men;' or, 'you 'have not the heart of a man;' and the other ſhall

† Vellei Patercul. lib. ii. cap. cxviii.

‖ Vide Tacit. de Situ, Morib. et Populis Germaniæ, ſect. x.

reply, 'I am a man as good as you;' let them meet on the highway. If he who firſt gave offence appear, and the perſon abſent himſelf, let the latter be deemed worſe than he was called; let him not be admitted to give evidence in judgment either for man or woman, and let him not have the privilege of making a teſtament. If the perſon offended appear, and he who gave the offence be abſent, let him call upon the other thrice with a loud voice, and make a mark upon the earth, and then let him who abſented himſelf be deemed infamous, becauſe he uttered words which he durſt not ſupport. If both ſhall appear properly armed, and the perſon offended ſhall fall in the combat, let a half compenſation be paid for his death. But if the perſon who gave the offence ſhall fall, let it be imputed to his own raſhneſs. The petulance of his tongue hath been fatal to him. Let him lie in the field without any compenſation being made for his death.*

Monteſquieu, on the authority of Beaumanoir, whom he quotes with great reſpect, deduces the riſe and formation of the articles, relative to the point of honour, from the following particular judicial uſages. The accuſer declared, in the preſence of the judge, that ſuch a perſon had committed ſuch an action: the accuſed made anſwer that *he lied;* upon which the judge gave orders for the duel. Thus it became an eſtabliſhed rule, that whenever the lie was given to a

* Lex Uplandica apud Stiern.—Robertſon's Hiſtory of Charles V. vol. i. note 22.

perſon, it was incumbent on him to fight. *Gentlemen* combated on horſeback, completely armed. *Villeins* fought on foot and with baſtons. The baſton, therefore, was regarded as an inſtrument of affront, becauſe to ſtrike a man with it was to treat him as a villein. For the like reaſon, a box on the ear, or blow on the face, was deemed a contumely, to be expiated with blood; ſince villeins alone were liable to receive ſuch diſgraceful blows, as it was peculiar to them to fight with their heads uncovered.*

Practices like theſe were ſo congenial to the proud and martial ſpirit of the times, as well as to the ſuperſtition which prevailed, that they became univerſal throughout Europe. But it is evident that they could not fail to ſubvert the regular courſe of juſtice, diminiſh the authority of government, and violate the ſacred ordinances of the church. For the clergy uniformly remonſtrated againſt, and even anathematiſed them, as adverſe to Chriſtianity; and the civil power frequently interpoſed, to ſet bounds to uſages, which its authority was too feeble to ſuppreſs. Henry I. of England, in the twelfth century, prohibited trial by combat, in all queſtions concerning property of ſmall value. Louis VII. of France, iſſued an edict to the ſame effect. St. Louis, who was a diſtinguiſhed legiſlator, conſidering the rude age in which he reigned, attempted a more perfect juriſprudence, by ſubſtituting trial by evidence, in place of that by combat. And

* See Monteſquieu, liv. xxviii. c. xx.

afterwards it became the policy of every monarch, who poſſeſſed power or talents, to explode theſe relics of Gothic barbariſm. By degrees the practice became leſs and leſs frequent; courts of judicature, acquired an aſcendancy; law was ſtudied as a ſcience, and adminiſtered with great regularity; and the ferocious manners of the inhabitants of Europe yielded to the arts of peace, and to the benefits of ſocial and civilized life. But an event occurred, in the year 1528, which both revived the practice of ſingle combat, and gave a new form to it, more abſurd and fatal. The political and perſonal enmity, which ſubſiſted between the Emperor Charles V. and Francis I., led the former to commiſſion the French herald, ſent to him with a denunciation of war, to acquaint his ſovereign, that he ſhould from that time conſider him not only as a baſe violator of public faith, but as a ſtranger to the honour and probity of a gentleman. Francis inſtantly ſent back the herald, with a *cartel* of defiance, giving the Emperor *the lie*, and challenging him to ſingle combat. Charles accepted the challenge; but it being impracticable to ſettle the preliminaries, this romantic and ridiculous enterprize of courſe was never accompliſhed. The tranſaction, however, excited ſuch univerſal attention, and reflected ſo much ſplendour and dignity on this novel mode of ſingle combat, that every gentleman thought himſelf entitled, and even bound in honour, to draw his ſword, and to demand ſatisfaction of his adverſary, for

affronts trivial and even imaginary.* The beſt blood in Chriſtendom was ſhed; perſonages of the firſt diſtinction were devoted to death; the eaſe, the familiarity, and the confidencè of private intercourſe were interrupted; and war itſelf was hardly more deſtructive to life, and to its deareſt enjoyments, than this fatal and ſeductive frenzy.†

Evils of ſuch magnitude required adequate remedies; and all the terrors of law were every where exerted to repreſs them. But they have hitherto been employed in vain. Nor is it likely that ſanguinary puniſhments will prevail, becauſe the dread of ſuch puniſhment would be deemed equally diſhonourable

* See Robertſon's Hiſtory of Charles V. book v.

† The Hiſtory of Lord Herbert of Cherbury, who lived in the reigns of Queen Elizabeth and James I., fully exemplifies the folly and danger of adopting falſe principles of honour. During the abode of this romantic nobleman at the Duke of Montmorenci's, about twenty-four miles from Paris, it happened one evening, that a daughter of the Dutcheſs de Ventadour, of about ten or eleven years of age, went to walk in the meadows with his lordſhip, and ſeveral other gentlemen and ladies. The young lady wore a knot of ribband on her head, which a French chavelier ſnatched away, and faſtened to his hatband. He was deſired to return it, but refuſed. The lady then requeſted Lord Herbert to recover it for her. A race enſued; and the chevalier, finding himſelf likely to be overtaken, made a ſudden turn, and was about to deliver his prize to the young lady, when Lord Herbert ſeized his arm, and cried out, "I "give it you." 'Pardon me,' ſaid the lady, 'it is he who gives it 'me.' "Madam," replied Lord Herbert, I will not contradict "you, but if the chevalier do not acknowledge that I conſtrain him "to give the ribband, I will fight with him." And the next day he ſent him a challenge, "being bound thereto," ſays he, "by the "oath taken when I was made knight of the bath." See the Life of Lord Herbert of Cherbury; alſo Percival's Moral and Lit. Diſſert. p. 299, ſecond edit.

with the fear of death, in the chances of combat. A heavy fine, ſtrictly levied, would operate with greater force, on ſome of the moſt active principles of the human mind: And if it amounted to half or one third of the convicted perſon's fortune, ſuch portion being placed in Chancery, for the benefit of his heirs or children, this privation would not only extend to his comforts and accommodations, but would be felt as a ſpecies of infamy, by depriving him of the means of maintaining his rank and ſtation in life. Lord Verulam has propoſed the following remedy for duelling: which, if effectual with men of quality, would ſoon diſgrace the practice amongſt thoſe of inferior degree. "The fountain of honour is the king; and "his aſpect, and the acceſs to his perſon, continueth "honour in life; and to be baniſhed from his pre-"ſence is one of the greateſt eclipſes of honour that "can be. If his Majeſty ſhall be pleaſed, that when "this court ſhall cenſure any of theſe offences in per-"ſons of eminent quality, to add this out of his own "power and diſcipline, that thoſe perſons ſhall be ba-"niſhed and excluded from his court for certain years, "and the courts of his Queen and Prince, I think there "is no man that hath any good blood in him, will com-"mit an act that ſhall caſt him into that darkneſs, that "he may not behold his ſovereign's face."* This propoſal of Lord Verulam ſeems to receive ſome

* Bacon's Works, vol. ii. page 516.

confirmation from a ſtory related by Lord Shaftsbury in his Characteriſticks.† "A certain gallant of our court, being aſked by his friends, why one of his eſtabliſhed character for courage and good-ſenſe would anſwer the challenge of a coxcomb, replied, that for his *own ſex* he could ſafely truſt their judgment; but how could he appear at night before the *maids of honour?*"

Thus the principle, on which duelling is founded, is now neither an appeal to the juſtice of heaven, nor an expreſſion of reſentment for wrong ſuſtained; but generally a mere punctilio of honour, which would affix a *ſtigma* on the character for courage of him who omits to offer, and on the opponent who declines the acceptance of, a challenge. Hence forgiveneſs of injury, and reparation from the conſciouſneſs of having committed it, thoſe noble ſentiments of juſt and generous minds, are wholly precluded in the intercourſe of faſhionable life.

A very able moraliſt, whom I have often quoted with peculiar ſatisfaction, has reduced the queſtion concerning duelling, as now practiſed, to this ſingle point: whether a regard for our own reputation is, or is not, ſufficient to juſtify the taking away the life of another. "A ſenſe of ſhame," ſays he, "is ſo "much torture; and no relief preſents itſelf, other-"wiſe than by an attempt upon the life of our ad-"verſary. What then? The diſtreſs which men

† Vol. i. ſect. iii. page 273.

" ſuffer by the want of money is often times extreme,
" and no reſource can be diſcovered but that of
" removing a life, which ſtands between the diſtreſſed
" perſon and his inheritance. The motive in this
" caſe is as urgent, and the means much the ſame,
" as in the former; yet this caſe finds no advocates."

" For the army, where the point of honour is cul-
" tivated with exquiſite attention and refinement,"
continues the ſame excellent writer, " I would eſta-
" bliſh a court of honour, with a power of awarding
" thoſe ſubmiſſions and acknowledgments, which
" it is generally the object of a challenge to obtain;
" and it might grow into a faſhion with perſons of
" rank of all profeſſions to refer their quarrels to the
" ſame tribunal."*

An inſtitution, like the one thus forcibly recommended by Dr. Paley, might probably have prevented the late fatal duel between Colonel Montgomery and Captain M'Namara. The addreſs of the latter to the gentlemen of the jury gives juſt grounds for this opinion, and claims on that account the attention of the legiſlature. " Gentlemen," ſaid he, " I am a
" captain of the Britiſh navy. My character you
" can only hear from others; but to maintain any
" character in that ſtation, I muſt be reſpected.
" When called upon to lead others into honourable
" dangers, I muſt not be ſuppoſed to be a man who
" had fought ſafety, by ſubmitting to what cuſtom

* Dr. Paley's Principles of Moral Philoſophy, chap. ix.

" has taught others to conſider as a diſgrace. I am " not preſuming to urge any thing againſt the laws of " GOD, or of this land. I know, that in the eye of " religion and reaſon, obedience to the law, though " againſt the general feelings of the world, is the firſt " duty, and ought to be the rule of action: but in " putting a conſtruction upon my motives, ſo as to " aſcertain the quality of my actions, you will make " allowances for my ſituation."* In referring to the foregoing diſaſtrous caſe, it is proper to notice, that a ſurgeon of conſiderable eminence, who attended on the field of combat in his *profeſſional capacity*, was on this account arreſted, and ſent to Newgate, by a warrant from the civil magiſtrate, as a *principal* in the alleged murder, having been preſent at the duel, and antecedently privy to it. Nor was he liberated from priſon, till the grand jury had rejected the indictment.

It has recently been ſtated, in one of the periodical prints, that a law to prevent duelling was paſſed in the general aſſembly of North-Carolina during their laſt ſeſſion, by which it was enacted, " That no " perſon ſending, accepting, or being the bearer of a " challenge, for the purpoſe of fighting a duel, even " though no death ſhould enſue, ſhall ever after be " eligible to any office of truſt, power, or profit, in " the ſtate, any pardon or reprieve notwithſtanding: " and that the ſaid perſon ſhall further be liable to

* Courier, April 23, 1803.

" be indicted, and on conviction ſhall forfeit and pay " the ſum of one hundred pounds to the uſe of the " ſtate. And if any one who fight a duel, by which " either of the parties ſhall be killed, then the ſur- " vivor, on conviction thereof, ſhall ſuffer death with- " out benefit of clergy; and the ſeconds ſhall be con- " ſidered as acceſſaries before the fact, and likewiſe " ſuffer death."*

I ſhall inſert the following communication from my late venerable friend Dr. Benjamin Franklin, on the ſubject of duelling, becauſe the deliberate opinion of a man, peculiarly diſtinguiſhed by perſpicacity, ſoundneſs of judgment, and extenſive knowledge of the world, cannot fail to be intereſting to the reader. The letter was written in the 79th year of his age, and evinces the ſame vein of humour which characterized him through life. A few paſſages are omitted, being merely complimentary and perſonal.

Paſſy, near Paris, July 17, 1784.

DEAR SIR,

I Received, yeſterday, by Mr. White, your kind letter of May 11th, with the moſt agreeable preſent of your new book. I read it all before I ſlept. * It is aſtoniſhing that the murderous practice of duelling, which you ſo juſtly condemn, ſhould continue ſo long in vogue. Formerly,

* Courier, March 9th, 1803.

when duels were uſed to determine law-ſuits, from an opinion that Providence would, in every inſtance, favour truth and right with victory, they were more excuſable. At preſent they decide nothing. A man ſays ſomething, which another tells him is a lie. They fight; but whichever is killed, the point in diſpute remains unſettled. To this purpoſe they have a pleaſant little ſtory here.—A gentleman, in a coffee-houſe, deſired another to ſit farther from him.—Why ſo?—Becauſe, Sir, you ſmell offenſively.—That is an affront, and you muſt fight me.—I will fight you, if you inſiſt upon it: but I do not ſee how that will mend the matter. For if you kill me, I ſhall ſmell too; and if I kill you, you will ſmell, if poſſible, worſe than you do at preſent.—How can ſuch miſerable ſinners as we are, entertain ſo much pride as to conceive that every offence againſt our imagined honour merits death? Theſe petty princes, in their own opinion, would call that ſovereign a tyrant, who ſhould put one of them to death for a little uncivil language, though pointed at his ſacred perſon: yet every one of them makes himſelf judge in his own cauſe, condemns the offender without a jury, and undertakes himſelf to be the executioner.

Our friend Mr. Vaughan may, perhaps, communicate to you ſome conjectures of mine, relating to the cold of laſt winter, which I ſent in return for the obſervations on cold of Profeſſor Wilſon. If he ſhould, and you think them worthy ſo much notice, you may ſhew them to your philoſophical ſociety, to

which I wiſh all imaginable ſucceſs. Their rules ſeem to me excellent.

With ſincere and great eſteem, I have the honour to be, your moſt obedient, and moſt humble ſervant,

B. FRANKLIN.

Note XVII. *Chap.* IV. *Sect.* XVI.

PUNISHMENT OF THE CRIME OF RAPE.

THE atrocity of this crime appears to have been variouſly eſtimated at different periods, and in different countries; if we may judge from the diverſity of puniſhments inflicted on the perpetrators of it. The reader will find a copious and intereſting enumeration of them, in a folio volume, entitled, *A View of Ancient Laws againſt Immorality and Profaneneſs, by John Diſney, M. A. Cambridge printed*, 1729. I would refer him alſo to the *Principles of Penal Law*, by Mr. Eden, now Lord Auckland. As both theſe valuable works are out of print, a few extracts from each may form an acceptable addition to the preſent note.

The Burgundian laws provided, that if the young woman carried off returned to her parents actually corrupted, the offender ſhould pay ſix times her price, or legal valuation; and alſo a mulct of twelve ſhillings. If he had not wherewithal to pay theſe ſums, he ſhould be given up to her parents, or near relations, to take their revenge of him in what way they pleaſed.

By the law of Æthelbert, the firſt Chriſtian king of Kent, it was enacted, that if any perſon take a young woman by force, he ſhall pay her parent, or guardian, fifty ſhillings; and ſhall make a farther compoſition for her ranſom. If ſhe were eſpouſed, he ſhall compenſate the huſband by an additional payment of twenty ſhillings. But if ſhe were with child, the augmented fine ſhall be five and thirty ſhillings, and fifteen more to the King.

There is an ordinance of King Alfred, for the puniſhment of rapes committed upon country wenches who were ſervants, an offence which may be ſuppoſed to have been prevalent at that time. It is delivered in the following terms: "*Si quis Coloni mancipium ad ſtuprum comminetur* 5 *Sol. Colono emendet, et* 60 *Sol. Multæ loco. Si Servus Servam ad ſtuprum cogerit, compenſet hoc Virgâ ſuâ virili. Si quis puellam teneræ ætatis ad illicitum concubitum comminetur, eodem modo puniatur quo ille qui adultæ ſervæ hoc fecerit.*"

By the Welſh laws of Prince Hoel Dha, if two women were walking together without other company, and violence was offered to either or both of them, it was not puniſhable as a rape; but if they had a third perſon with them, they might claim their full legal redreſs. If the perpetrator of a rape, being accuſed, confeſſed the fact, beſides full ſatisfaction to the woman, he was to anſwer for the crime to his ſovereign, by the preſent of a ſilver-ſtand, as high as the king's mouth, and as thick as his middle finger,

with a gold cup upon it, ſo large as to contain what he could take off at one draught, and as thick as the nail of a country fellow who had worked at the plough ſeven years. If the offender was not able to make ſuch a preſent, *virilia membra amittat*.

Sir Edward Coke ſtates this offence as a felony at the common law, which had a puniſhment, "under ſuch a condition as no other "felony had the like." The criminal was adjudged *amittere oculos, quibus virginem concupivit; amittere etiam teſticulos, qui calorem ſtupri induxerunt*.

In the ancient law of England, excluſive of the puniſhment inflicted on the criminal, his horſe, greyhound, and hawk, were alſo ſubjected to great corporal infamy. But the woman who was the ſufferer, might prevent all the penalties, if, before judgment, ſhe demanded the offender for her huſband. The Roman law was in the ſame ſpirit. "*Rapta raptoris, aut mortem, aut indotatas nuptias optet*;" upon which there aroſe what was thought a doubtful caſe, "*Una nocte quidam duas rapuit, altera mortem optat, altera nuptias.*"

Note XVIII. *Chap.* IV. *Sect.* XVII.

UNCERTAINTY IN THE EXTERNAL SIGNS OF RAPE.

I Have been favoured by Mr. Ward, one of the ſurgeons to the Mancheſter Infirmary, with the following particulars of the caſe, to which this note refers.

"Jane Hampſon, aged four, was admitted an out-patient of the Infirmary, February 11th, 1791. The female organs were highly inflamed, ſore and painful; and it was ſtated by the mother, that the child was as well as uſual till the preceding day, when ſhe complained of pain in making water. This induced the mother to examine the parts affected, when ſhe was ſurpriſed to find the appearances above deſcribed. The child had ſlept, two or three nights, in the ſame bed with a boy, fourteen years old; and had complained that morning of having been hurt by him very much in the night.

"Leeches, and other external applications, together with appropriate internal remedies, were preſcribed: but the debility increaſed, and on the 20th of February the child died. The coroner's inqueſt was taken, previouſly to which the body was inſpected, and the abdominal and thoracic *viſcera* were found to have been free from diſeaſe. The circumſtances above related having been proved to the ſatisfaction of the jury, and being corroborated by the opinion I gave, that the child's death was occaſioned by external violence, a verdict of murder was returned againſt the boy with whom ſhe had ſlept. A warrant was therefore iſſued to apprehend him; but he had abſconded, a circumſtance which was conſidered as a confirmation of his guilt, when added to the circumſtantial evidence alleged againſt him.

"Not many weeks had elapſed, however, before ſeveral ſimilar caſes occurred, in which there was no

reaſon to ſuſpect that external violence had been offered; and ſome in which it was abſolutely certain that no ſuch injury could have taken place. A few of the patients died; though from the novelty and fatal tendency of the diſeaſe, more than common attention was paid to them. I was then convinced that I had been miſtaken, in attributing Jane Hampſon's death to external violence; and I informed the coroner of the reaſons which produced this change of opinion. The teſtimony I gave was deſignedly made public; and the friends of the boy hearing of it, prevailed upon him to ſurrender himſelf.

"When he was called to the bar at Lancaſter, the judge informed the jury, that the evidence adduced was not ſufficient to convict him; that it would give riſe to much indelicate diſcuſſion, if they proceeded on the trial; and that he hoped, therefore, they would acquit him without calling any witneſſes. With this requeſt the jury immediately complied.

"The preceding narrative may teach the young ſurgeon to act with great circumſpection, when called upon to give an opinion in caſes which are involved in any degree of obſcurity. It behoves him to conſider well the important duty he has to diſcharge, both to an individual and to the community: and that he makes himſelf reſponſible for the conſequences which may reſult from the influence of his judgment on the minds of the jury."

Note XIX. *Cap.* IV. *Sect.* XVIII.

THE SMOKE FROM LARGE WORKS, A NUISANCE.

THE ſmoke iſſuing from large works, without any eſſential or other poiſonous impregnation, may prove a great annoyance to the neighbourhood in which they are ſituated: and the proprietors ſhould be compelled, by law, to diminiſh this evil, as much as poſſible, by the adoption of the improved methods of burning fuel, which have been lately invented. But it may be doubted whether the ſooty matter, ſublimed by the combuſtion of pit-coal, be ſo injurious, as is commonly ſuppoſed, to the animal œconomy, unleſs it ſhould ſubſiſt in the atmoſphere in a very extraordinary degree of accumulation. The inhabitants of Coalbrook-Dale, who live in a narrow valley, where the air is almoſt conſtantly loaded with vapours from numerous furnaces, employed in the ſmelting of iron, are not, as I have been informed, peculiarly ſubject to pulmonary affections. And the people of Birmingham, Sheffield, Newcaſtle, and Mancheſter, towns which are often enveloped in ſmoke, from the nature of their reſpective manufactures, ſeem to ſuffer no abridgment in the general duration of life, as it ſubſiſts in crowded places, which can be aſcribed exclusively to this cauſe. Hoffmann maintains, that the fumes of pit-coal are not injurious to health, in the

ordinary modes of expoſure to them: and Caſpar Neumann confirms this teſtimony, by his experience and obſervation during a long reſidence in London.*

In mentioning Coalbrook-Dale, I might have ſtated the following fact, as corroborating the obſervation above advanced. A few years ago, a lady, accompanied by her huſband, undertook a journey for the recovery of health, after a ſevere attack of aſthma, to which ſhe was often incident. The route lay through Coalbrook-Dale; and they arrived there on Sunday evening, about eight o'clock; when all the fires were freſh lighted for working the furnaces. A thick ſmoke pervaded the whole valley; and the gentleman was alarmed with the danger, which his wife incurred, of ſuffocation. But, to his ſurprize and ſatisfaction, ſhe experienced no difficulty of breathing; and paſſed the night, inhaling the groſs vapours with which ſhe was ſurrounded, without preſent inconvenience or ſubſequent injury. May it be ſuppoſed that the ſooty matter undergoes a decompoſition in the lungs, by which it becomes capable of abſorption, and innoxious to the animal œconomy? For the accumulation of it, as a ſolid ſubſtance, in the bronchial veſicles, could hardly fail to occaſion immediate and permanent evils. It will, however, be alleged, that travellers breathe whole days in duſty roads, and yet experience no laſting bad effects. The caſe of maſons, who are ſometimes incident to

* See Neumann's Chemical Works, by Lewis, page 246, 4to.

hæmoptoe and pulmonary conſumption, is widely different, as the particles, which they draw in by reſpiration, are large and angular.

Conceiving it to be of importance to obtain full and preciſe information, relative to the effects of ſmoke in Coalbrook-Dale, I wrote on this ſubject to Mr. Edwards, an eminent ſurgeon who is ſettled there, from whom I have been favoured with the following judicious anſwer:

"I have never obſerved that aſthmas, and other "pulmonic affections, are more frequent in the Dale "than elſewhere, but rather the contrary; as I "have been told, that the ſmoke of London agrees "better with ſome aſthmatic perſons, than the keen "country air. Old colliers, indeed, and ſuch as "work in iron, ſtone-mines, and lime-rocks, are very "ſubject, in the decline of life, tocoughs and ſhortneſs "of breath, eſpecially hard drinkers; but in other "reſpects the inhabitants are remarkably healthy, "and the principal part of the practice is ſurgery, "the ſmoke ariſing from coal and iron not being ſo "prejudicial as from the copper-works in Cornwall "and other parts. Such colliers and miners as are "troubled with coughs, &c. always aſcribe it to the "duſt ariſing in getting the coal or mineral, and from "the ſmoke in the burning of lime, for which they "take frequent emetics and purges."

Coalbrook-Dale, June 18, 1803.

Note XX. *Page* 117.

DISCOURSE ON HOSPITAL DUTIES; BY THE REV. THO. B. PERCIVAL, LL. B.

THIS Anniverſary Diſcourſe was addreſſed to the gentlemen of the faculty, the officers, the clergy, and the truſtees of the Infirmary at Liverpool, for the benefit of the charity; and I believe was highly approved by the judicious audience, before whom it was delivered. As the preacher aſſumed topics of exhortation, not before adopted by divines on ſuch occaſions, it may be proper to ſtate, that he was peculiarly qualified, from his knowledge of the polity of hoſpitals, to execute with ability ſo delicate and ſo arduous a taſk. After paſſing ſeveral years at St. John's College in Cambridge, in the purſuits of general ſcience, he removed to Edinburgh to engage in the ſtudy of phyſic. But notwithſtanding his acquiſitions in the HEALING ART, to which he applied himſelf with great aſſiduity, he uniformly diſcovered a predilection for THEOLOGY. It became expedient, therefore, not to oppoſe the ſtrong direction of his mind. He returned to Cambridge; and when he had taken the degree of LL. B. was admitted into holy orders. Being appointed to the chaplaincy of the Britiſh company of merchants at St. Peters-

burgh, he removed thither; and executed the duties of that honourable and important ſtation with exemplary fidelity, and with the general approbation of the factory. In this office he died, after a lingering and painful illneſs, on the 27th of May, 1798, in the thirty-ſecond year of his age.

Note XXI. *Page* 128.

THE SALUTARY CONNECTIONS OF SICKNESS ARE NOT TO BE RASHLY DISSOLVED, BY REMOVING INTO AN HOSPITAL THOSE WHO MAY, WITH A LITTLE AID, ENJOY IN THEIR OWN HOMES BENEFITS AND CONSOLATIONS WHICH ELSEWHERE IT IS IN THE POWER OF NO ONE TO CONFER.

THE domeſtic benefits of ſickneſs to the ſufferer, and to his family, in foſtering the tender attachments of affinity;—"the charities of father, ſon, and brother," are thus eloquently diſplayed by a late excellent divine.

"*Chriſtian*, when, in the ſeaſon *of ſickneſs*, you "ſaw the ſolicitude of your friends: the aſſiduity, "perhaps, of a pious offſpring to repay your care of "them, in doing for you what now you could do no "longer for yourſelf; when you obſerved their

" anxiety, if any human care or interceſſion could
" avail to ſnatch you from the impending danger:
" when you ſaw them ſacrificing eaſe, and reſt, and
" health, to adminiſter to your deliverance and com-
" fort, holding nothing dear to them, that if the will
" of GOD were ſuch, they might by any means re-
" ſtore you and retain you: when you ſaw their zea-
" lous care to do *all* to which their power extended;
" and their heartfelt anguiſh as to that which their
" power could not reach: when in their countenances
" you perceived the alternate marks of hope and ap-
" prehenſion, of comfort and diſtreſs: while you ſaw
" *all* this, while you experienced the benefits and the
" conſolations of their friendſhip, were your hearts
" *ſo hard*, that ſuch powerful attachment, and ſuch
" zealous ſervice, could draw forth from you no more
" than the *ordinary* current of affection? No, Chriſt-
" ian, ſurely that could not be. In ſuch a ſituation,
" the lighteſt expreſſions of ſincere friendſhip, come
" *full* upon the heart to a warmer welcome, and with
" more than ordinary weight. When we are about
" to loſe our bleſſings, it is then, perhaps, that we
" firſt ſee them in their true importance. It is the
" ſame when it ſeems to us that we are about to
" *leave* them. The laſt converſation, the laſt kind
" offices, the laſt mutual interchange of tender words,
" and ſilent looks; that laſt ſcene, my friends, will
" agitate the inmoſt heart, and ſet open all the ſprings
" of ſympathy and benevolence. While that laſt
" ſcene is drawing nigh, and as long, alſo, as the

"impreſſion of it remains in memory, every thing "partakes of its tender influences. While the heart "is thus mollified, by the united power of ſharp af- "fliction and ſolemn expectation, every kindneſs, "every condolence, every good wiſh, every even the "lighteſt token of benevolent attention, ſinks deep "into it. The merit of friends puts on an unuſual "amiableneſs, and every thing we love is inexpreſſibly "endeared to us. Chriſtians, have you ever felt "theſe ſentiments? If you have, you cannot wil- "lingly abandon them; for as ſurely as you have felt "them, you approve them. You would have loved "yourſelves the better, if in all time paſt *theſe* had "on all occaſions been the abiding ſentiments of your "hearts. The man who is as ſenſible as he ought "to be, and by a very little meaſure of reflection "might be, of what mighty uſe may be made of ſuch "circumſtances, and their influences, to give plea- "ſantneſs, acceptableneſs, and accuracy to his ſocial "duties, not only within the more contracted circle "of his family and friends, but alſo in the wider "range of his benevolent affections, will often be "retracing theſe circumſtances, and their influences "in his mind and heart, that he may avail himſelf of "them in the ſervices that he owes to the univerſal "family of GOD, and in the improvement of his own "ſoul, to a reſemblance of the univerſal Parent. In "ſuch caſes he will be the more aſſiduous, if he will "permit himſelf to think, that the heart which has "once been expoſed to ſuch powerfully humanizing

" and attendering influences, if it is not much the " better, muſt of neceſſity become much the worſe " for them."*

Note XXII. *Page* 133.

DUTY OF HOSPITAL TRUSTEES IN ELECTING THE MEDICAL OFFICERS OF THE CHARITY.

ON the 17th of March, 1798, the governors of the Saliſbury Infirmary publiſhed the following judicious advertiſement, concerning the nomination of a phyſician to the charity :

" Whereas it is the common practice to ſolicit " votes on a vacancy of the offices of phyſician, ſur- " geon, apothecary, ſecretary, &c. and as many and " great inconveniencies have frequently ariſen from a " too haſty compliance with ſuch ſolicitations, to the " excluſion of the moſt worthy candidates, and the " permanent detriment of the charity; and as ſuch " inconſiderate promiſes may render even the moſt " judicious ſtatutes and prudential rules of any ſociety " ineffectual; it is hoped that every governor of this " charitable inſtitution will, on all ſuch occaſions,

* See Life of the Rev. Newcome Cappe, prefixed to his poſthumous works, publiſhed by Mrs. C. Cappe, in 2 vols. 8vo. page 48.

" keep himſelf entirely diſengaged till the day of elec-
" tion; and then, after a due examination into the
" real merits of the candidates, give his vote accor-
" ding to what he apprehends moſt beneficial to that
" charity, of which he is the guardian as well as the
" benefactor. The reaſonableneſs of not promiſing
" votes will be further evident, when it is conſidered
" that ſuch promiſes, previous to the day of election,
" prevent perhaps him who is the beſt qualified from
" appearing as a candidate, well knowing it would be
" impoſſible for him to ſucceed."

The following Memorial was preſented, ſeveral years ago, to the truſtees of the Manchester Infirmary; and the rule, recommended in it, has been ever ſince adopted.

" The medical committee, having been invited to lay before you their opinion concerning the qualifications requiſite in your apothecary and houſe-ſurgeon, are naturally induced to extend their attention to the more important office, with which the phyſicians to theſe charities are inveſted. And they are perſuaded you will feel, with them, an earneſt ſolicitude that the vacancies, which now ſubſiſt, may hereafter be filled by men of approved reſpectability, and liberal education.

" By the eſtabliſhed uſage of the hoſpital, it is required, that every candidate for the office of phyſician ſhall produce his DIPLOMA, for the inſpection of the truſtees; together with ſatisfactory atteſtations of his moral character, and profeſſional endowments. In ad-

dition to theſe credentials, they conceive it to be highly expedient that he ſhould deliver an extract from the regiſter of the univerſity of which he was a member, ſpecifying the ſeveral branches of ſcience which he has cultivated, and the period of his collegiate reſidence. Such a teſtimonial may always be claimed, and is generally in the poſſeſſion of phyſicians who have been regularly educated. No candidate, therefore, who does not produce it, ſhould be deemed eligible: for he thus tacitly acknowledges, that he has not enjoyed the requiſite advantages of academical inſtruction; nor received his degree as the reward of legitimate examination, either during the courſe, or after the completion of his academical ſtudies.

"No candidate having yet offered, nor any one being known to have the deſign of offering himſelf for either of the preſent medical vacancies in the hospital, the conſiderations they now take the liberty of ſuggeſting to your ſerious attention, cannot even be ſuſpected of perſonal reference, or invidious alluſion. And they are conſcious, on this occaſion, of being actuated by a ſincere deſire to promote the beſt and moſt permanent intereſts of the inſtitutions, with which, by your ſuffrages, they have the honour to be connected."

This memorial, under the form of a letter, having been preſented to the truſtees of the Mancheſter Infirmary, produced the two following reſolutions:

1. The truſtees are fully ſenſible of the importance of the conſiderations, which the phyſicians have

ſtated to them in the above letter; and feel an earneſt ſolicitude that the preſent and all future vacancies in the medical departments of the hoſpital ſhould be filled by men of liberal education, good moral character, and reſpectable profeſſional endowments.

2. It was moved, ſeconded, and reſolved unanimouſly, that it be recommended to every ſucceeding board, to ſend a copy of the preceding letter to every gentleman, who may offer himſelf a candidate for the office of phyſician to theſe charities.

FINIS.

Richard Cruttwell, Printer, St. James's Street, Bath.